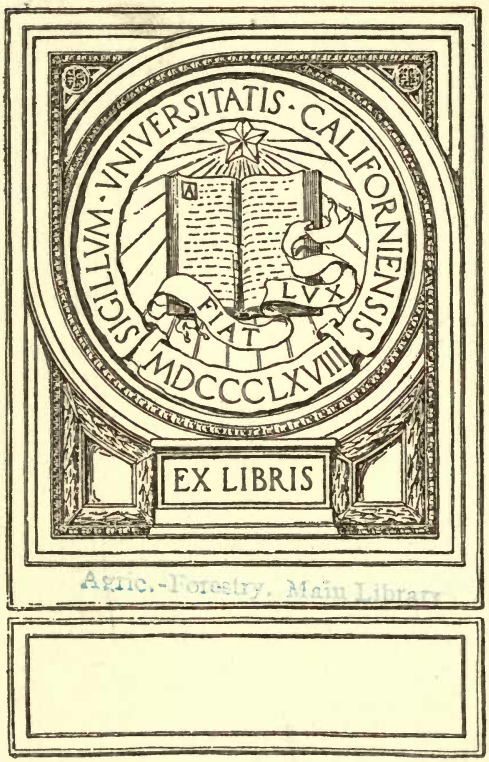
UC-NRLF
$B 806 130



Agric.-Forestry, Main Library

# FORESTS OF ENGLAND

## IN BYE-GONE TIMES.

# THE FORESTS OF ENGLAND

AND

# THE MANAGEMENT OF THEM

# IN BYE-GONE TIMES.

COMPILED BY

JOHN CROUMBIE BROWN, LL.D.,

*Formerly Government Botanist at the Cape of Good Hope, and Professor of Botany in the South African College, Capetown, Fellow of the Royal Geographical Society, Fellow of the Linnean Society, and Honorary Vice-President of the African Institute of Paris, etc.*

---

EDINBURGH:
OLIVER AND BOYD, TWEEDDALE COURT,
LONDON: SIMPKIN, MARSHALL & CO.

1883.

SD123
B75
v.5

UNIV. OF
CALIFORNIA

Agric.-Forestry. Main Library

# ADVERTISEMENT.

In the spring of 1877 I published a *brochure* entitled *The Schools of Forestry in Europe: a Plea for the Erection of a School of Forestry in connection with the Arboratum in Edinburgh.* It was addressed "To the Right Honourable the Lord Provost, the Magistrates, and Town Councillors of Edinburgh; to the Office-Bearers of the Scottish Arboricultural Society; to the Promoters of the purchase of ground at Inverleith, to be transferred to Government, for the formation of an Arborotum; and all others whom it may concern."

In this Plea I had occasion to state:—

"I went to the Cape of Good Hope to act as Colonial Botanist in the beginning of 1863. On my arrrival I was officially informed that the office had been created some five years before with the two-fold object (1) of ascertaining and making generally known the economic resources of the Colony, as regards its indigenous vegetable productions, and its fitness for the growth of valuable exotic trees and other plants; and (2) of perfecting our knowledge of the flora of South Africa, and thus contributing to the advancement of botanical science.

"On making my first tour of the Colony to see its flora and its capabilities, I found myself face to face with a

696643

difficulty in the way of the development of these capabilities, arising from a reckless destruction of forests and forest products which was going on, and a progressive desiccation of the climate, accompanying or following the destruction of forests and the burning of herbage and bush in connection with agricultural operations and pastoral husbandry. And I knew not then, nor do I know now, of a single work published in England from which I could then procure information in regard to the treatment required by aboriginal forests, to secure their conservation and improvement, excepting 'The Forests and Gardens of South India,' by Dr Cleghorn, then Conservator of Forests in the Madras Presidency; 'The Forester,' by Dr James Brown; 'The *Arboretum et Fruticetum Britannicum*,' by Louden; and 'English Forests and Forest Trees,' an anonymous work published by Ingram, Cooke, and Co., London. But none of these supplied the information I required.

"Contrast with this the richness of Continental languages in literature on such subjects. I have had sent to me lately '*Ofversight of Svenska Skogsliteraturen, Bibliografiska Studieren of Axel Cnattingius*,' a list of many books and papers on Forest Science published in Sweden; I have also had sent to me a work by Don José Jordana y Morera, Ingenero de Montes, under the title of '*Apuntes Bibliographic Forestale*,' a *catalogue raisonné* of 1126 printed books, MSS., &c., in Spanish, on subjects connected with Forest Science.

"I am at present preparing for the press a report on measures adopted in France, Germany, Hungary, and elsewhere, to arrest and utilise drift-sand by planting them with grasses and trees; and in *Der Europaeische*

*Flug-sand und Seine Cultur, von Josef Wessely General-Domaenen-Inspecktor, und Forst-Academie-Direktor,* published in Vienna in 1873, I find a list of upwards of 100 books and papers on that one department of the subject, of which 30, in Hungarian, Latin, and German, were published in Hungary alone.

"According to the statement of one gentleman, to whom application was made by a representation of the Government at the Cape, for information in regard to what suitable works on Forest Economy could be procured from Germany, the works on *Forst-Wissenschaft*, Forest Science, and *Forst-Wirthschaft*, Forest Economy, in the German language may be reckoned by cartloads. From what I know of the abundance of works in German, on subjects connected with Forestry, I am not surprised that such a report should have been given. And with the works in German may be reckoned the works in French.

"In Hermann Schmidt's *Fach Katalogue*, published in Prague last year (1876), there are given the titles, &c., of German works in *Forst und Jagd-Literatur*, published from 1870 to 1875 inclusive, to the 31st of October of the latter year, amounting in all to 650, exclusive of others given in an appendix, containing a selection of the works published prior to 1870. They are classified thus:—General Forest Economy, 93; Forest Botany, 60; Forest History and Statistics, 50; Forest Legislation and Game Laws, 56; Forest Mathematics, 25; Forest Tables and Measurements, &c., 148; Forest Technology, 6; Forest Zoology, 19; Peat and Bog Treatment, 14; Forest Calendars, 6; Forest and Game Periodicals, 27; Forest Union and Year Books, 13; Game, 91; Forest and Game in Bohemian, 44.

In all, 652. Upwards of a hundred new works had been published annually. Amongst the works mentioned is a volume entitled *Die Literatur der letzten sieben Jahre* (1862-1872) *aus dem Gesammtgebiete der Land und Forst-wirthschaft mit Einschlusz der landw. Geweber u. der Jagd, in deutscher, französischer u englisher sprache Herausg. v. d. Buchandl. v.* Gerold and Co., *in Wien,* 1873, a valuable catalogue filling 278 pages in large octavo."

This volume is published as a small contribution to the literature of Britain, on subjects pertaining to Forest Science.

It is after due consideration that the form given to the work—that of a compilation of what has been stated in works previously published—has been adopted.

It will be followed by another—now in the press—a translation of the famous Forest Ordinance of France of 1669, with notices of the previous treatment of Forests in that country.

JOHN C. BROWN.

HADDINGTON, *1st March, 1883.*

# CONTENTS AND ARGUMENT.

PAGE

INTRODUCTION, ... ... ... ... ... ... 1

Reference is made to arrangements proposed by the British Government in 1870 for the preparation and publication of a compilation of information in regard to the past history and management of English Forests (pp. 1–5); and to circumstances which have led meanwhile to arrangements for the publication of this compilation (p. 5).

PART I.—THE FORESTS OF ENGLAND.

CHAPTER I.—*Ancient Forests*, ... ... ... ... 8

Notices are given of the Forests of England in the time of the Romans (p, 8), and in times of the Saxons (p. 9); of the Forest Laws of England (p. 12); and of the technical use made in these of the terms Forest (p. 13), Chase (p. 14), Parks and Warrens (p. 15).

CHAPTER II.—*Modern Woods and Forests*, ... ... 17

SECTION 1.—*Forests*, ... ... ... ... ... 17

Of these there are selected for illustration—Sherwood Forest, Epping Forest, Dean Forest, and the New Forest.

A—*Sherwood Forest*, ... ... ... ... 17

Robin Hood, his Tomb, and the Parliamentary Oak are alluded to (p. 17); and then are cited accounts of the Forest by Camden (p. 18); by Hutton (p. 19); by Evershed (p. 20); by Jewitt (p. 23); by Stacye (p. 23); with letter of directions by Sir Christopher Wren, relative to beams required in the structure of St Paul's Cathedral (p. 31).

PAGE

B.—*Epping Forest*, ... ... ... ... ... 32

There are given notices of the Forest in early times (p. 32); of buried remains of mammoths, lions, bears, and other animals found in the Forest (p. 33); and of hunts held in the Forest at different times (p. 36).

C.—*Dean Forest*, ... ... ... ... ... 42

Details are given of its history from the times of the Romans (p. 42); and of the mining population of the Forest (p. 49).

D.—*The New Forest*, ... ... ... ... 51

Details of the erection of this Forest by William the Conqueror are given (p. 57); and of mishaps which followed (p. 52); of the boundaries of the Forest (p. 56); of the characteristics of the native horses (p. 57); of the swine-herding of a former day (p. 59); of the woodlands of the Forest (p. 64); and of the game (p. 69); and Gilpin's description of the scenery (p. 71).

SECTION 2.—*Chases*, ... ... ... ... ... 75

Characteristics of a Chase.

A.—*Malvern Chase*,... ... ... ... ... 75

Description of it by Mr Edwin Lees.

B.—*Cannock Chase*,... ... ... ... ... 85

Description of it by Mr Walter White.

C.—*Hatfield Chase*,... ... ... ... ... 87

Brief notice of it.

D.—*Loxley Chase*, ... ... ... ... ... 88

Brief notice of it.

E.—*The Forest of Gaultries*, ... ... ... 88

Quaint story of one of the Bishops of Durham.

Laws applicable to Chases ... ... ... ... ... 89

SECTION 3.—*Parks*, ... ... ... ... ... 90

Characteristics of Parks (p. 90); Notices of Windsor Park (p. 91); Account of Windsor Forest and Park (p. 95); Successive Rangers (p. 98); Rights of Common (p. 99); Expenses and Revenue (p. 102).

PAGE

SECTION 4.—*Warrens*, .. ... ... ... ... 103

Characteristics of a Warren (p. 103); description of the Royal Warren of the Isle of Purbeck, by Mr Robinson Hamilton (p. 103).

SECTION 5.—*Woods*, ... ... ... ... ... 105

Characteristics of Woods.

A.—*Wistman's Wood*, ... ... ... ... 105

Description of it by Dr Berger (p. 105); and by a writer in the *Journal of Forestry* (p. 107).

B.—*Charnwood*, ... ... ... ... ... 110

Notices of it.

SECTION 6.—*Forest Woodlands*, ... ... ... 112

A.—*Aliceholt and Woolmer Forest*,... ... ... 113

Description of these given in the *Journal of Forestry* (p. 113); Maladministration (p. 114).

B.—*Needwood*, ... ... ... ... ... 117

Brief notice of it.

C.—*Whittlebury Forest*, ... ... ... ... 117

Courtship and marriage of Elizabeth Woodville by Edward IV. (p. 117); Notices of the Woodland, given in the *Journal of Forestry* (p. 119).

D.—*Salcey Forest*, ... ... ... ... ... 121

Malpractices (p. 120); Description given in *Journal of Forestry* (p. 122).

E.—*Ashdown Forest*, ... ... ... ... 125

Description of it.

F.—*St. Leonard's Forest*, ... ... ... ... 132

Brief notice of it.

G.—*Tilgate Forest*, ... ... ... ... ... 133

Brief notice of it.

SECTION 7.—*Sir Henry Spelman's List of English Forests*, 134

PAGE

PART II.—Devastating and Destructive Treatment of English Forests, and Measures taken to Arrest this, ... ... ... ... ... 135

Reference is made to the former wooded condition of the land.

Chapter I.—*Sites of Woods perpetuated in Names of Places,* ... ... ... ... ... ... 136

Reference is made to this being the case in many countries (p. 136); and instances of its being the case in England are given (p. 137).

Chapter II.—*Historical Notices of Woods and Forests which are now no more,* ... ... ... ... 140

There are cited Fitz-Stephens notices of Woods around London in the twelfth century (p. 141); M'William's comparison of Woods in different counties of England with Woods mentioned by Sir Henry Spelman and others (p. 142).

A.—*Notices of Extinct Forests of the Northern Counties,* 148

Westmoreland, and Cumberland, and Northumberland (p. 148); Forester's Raids and Feuds (p. 157); Gibbet-law in the Forest of Halifax (p. 154); Legend of Forest of Whitby (p. 156); and notice of Forest of Knaresboro', (p. 158).

B.—*Notices of Extinct Forests of Lancashire,* ... 159

Forests of Blackburnshire and Bowland (p. 159); Pendle Forest, with account of the Lancashire Witches (p, 160); and of the introduction of Cotton Spinning into district (p. 163).

C.—*Notices of Former Forests in Cheshire,* ... 164

Chapter III.—*Remains of Ancient Forests Buried in the Ground and Submerged in the Sea,* ... ... 168

Section 1.—*Facts and Theories,* ... ... ... 168

Relating to Hatfield Chase (p. 168); to Holderness, and Yorkshire Coast (p. 170); to the Coast of Lancashire and Cheshire (p. 175); and explanation given of probable mode of submergence (p. 177).

PAGE

SECTION 2.—*Indications of the Age in which Buried Woods and Trees must have fallen,* ... ... 178

In relation to Petrified Trees (p. 179); to Submerged Trees on Cheshire Coast (p. 181); to Trees buried in the time of the Romans (p. 184).

CHAPTER IV.—*Conservation, Replenishing, and Extension of Forests,* ... ... ... ... ... 189

In the 16th century (p. 189); in the 17th century (p. 190); substitution of Coal for Firewood (p. 192); devastation occasioned by browsing animals (p. 194); and changes consequent on change of habit relative to hunting (p. 197); expense of planting (p. 199).

PART III.—FOREST LEGISLATION.

CHAPTER I.—*Summary of Forest Legislation in England,* 200

Light thus thrown on the state of Forests and Forestry (p. 201); Summary (p. 202); and inferences deduced (p. 205).

CHAPTER II.—*Forest Legislation anterior to the "Charta Foresta,"* ... ... ... ... ... ... 207

Laws of Canute (p. 207); Laws of the Normans (p. 210); Extracts from *Magna Charta* (p. 212); *Charta Foresta* (p. 215); technical terms relating to the Chase (p. 220); to Wood (p. 222) and to Forest Officers (p. 223).

CHAPTER III. — *Forest Legislation subsequent to the "Charta Foresta" till the close of the Eighteenth Century,* ... ... ... ... ... ... 227

Summary by Mr M'William.

CHAPTER IV.—*Former Game Laws,* ... ... ... 237

Summary by Mr M'William (p. 237); paper on the same in *Farmers' Magazine* of 1799 (p. 238).

CHAPTER V.—*State of Crown Forests in the Eighteenth Century,* ... ... ... ... ... ... 242

Reports made by Commissioners, 1787—1793 inclusive.

PAGE

PART IV.—Forestal Literature Previous to the Sixteenth Century, ... ... ... ... 246

Notices of Manwood's *Forest Laws* (p. 246); Spelman's *List of English Forests* (p. 247); Hearne's *Collection of Curious Discourses*, and the Academy for the Study of Antiquity and History, founded by Queen Elizabeth (p. 247); Agarde's *Antiquity of Forests* (p. 249); Broughton on *The New Forest* (p. 252); Lee on *Old Forest Laws* (p. 253); Standlish's *Commons' Complaint* (p. 257); Evelyn's *Silva* (p. 258); Cook's *Manner of Raising, Opening, and Improving Forest and Fruit Trees* (p. 260); Watkin's *Treatise on Forest Trees* (p. 262); Gilpin's *Forest Trees and Woodland* (p. 262).

# INDEX TO AUTHORITIES CITED.


| | PAGE |
|---|---|
| AGARDE ... ... ... | 249 |
| Andrews ... ... ... | 202 |
| BEATSON ... ... ... | 195 |
| Beckstein ... ... ... | 197 |
| Berger ... ... ... | 105 |
| Bigland ... ... ... | 44 |
| Bishop ... ... 64, | 113 |
| Blackstone ... ... ... | 239 |
| Blount ... ... ... | 52 |
| Bonnemère ... ... ... | 206 |
| *Book of Dennis* ... ... | 46 |
| Broughton ... ... ... | 252 |
| CAMDEN ... ... ... | 19 |
| Care ... ... ... ... | 215 |
| Cæsar ... ... ... ... | 8 |
| Chateauvieux ... ... | 195 |
| *City Press* ... ... ... | 33 |
| Clavé ... ... ... ... | 196 |
| Coke ... ... ... ... | 219 |
| Cook ... ... ... ... | 260 |
| *Cornhill Magazine* ... | 138, 179 |
| Crammer ... ... ... | 261 |
| DALLAS ... ... ... | 262 |
| Darwin ... ... ... | 195 |
| Duchange ... ... ... | 194 |
| EVELYN ... 168, 190, | 258 |
| Evershed ... ... ... | 20 |
| *English Forests and Forest Trees* 32, 148, 157, 164, 168, 175, 183, | 207 |
| FABIAN ... ... ... | 37 |
| *Farmers' Magazine* ... ... | 238 |
| Fitz-Stephen ... ... ... | 140 |
| Fleming ... ... ... | 177 |
| GOEFFRY OF MONMOUTH ... | 9 |
| Gilpin ... 57, 71, 157, | 261 |
| Giraldes ... ... ... | 193 |
| HAMILTON ... ... ... | 103 |
| *Hamsen* ... ... ... | 189 |
| Harrison ... .. ... | 69 |
| Hearne ... ... ... | 247 |
| Henry of Huntingdon ... | 54 |
| Holinshed ... 54, 188, 189, | 193 |
| Hume ... ... ... ... | 181 |
| Hunter ... ... ... | 197 |
| Hutton ... ... ... | 19 |
| *Illustrated London News* ... | 37 |
| *Journal of Forestry* 21, 42, 95, 107, 113, 119, 122, 202, 222, | 223 |
| KEMBLE ... ... ... | 193 |
| LEE ... ... ... ... | 253 |
| Leeds ... ... ... ... | 1 |
| Lees ... ... ... ... | 23 |
| Llewellyn Jewitt ... ... | 23 |
| MANWOOD 12, 13, 90, | 220, |
| Marsh 68, 136, 193, 194, | 205 |

PAGE

M'William 142, 185, 208, 211, 227, 236, 237
Menzies ... ... 97, 100
*Miners Laws and Privileges* 46
Morton ... ... ... 102

NOTT ... ... ... ... 41

OLIVER ... ... ... 110

PARIS ... ... ... 213, 219
Pearson ... ... ... 65
Pollock ... ... ... 200

SERVA ... ... ... 174
Shelley ... ... ... 92
*Spectator* ... ... ... 126
Spelman 11, 12, 133, 210, 257
Standlesh ... .. ... 247
Stacye .. ... 25, 28
Stowe ... ... ... ... 36

PAGE

Strabo ... ... ... 8
Strype ... ... ... 36
Sturtevant ... ... ... 191
Surtees ... ... ... 153
Swift ... ... ... ... 89

TACITUS ... ... ... 186
Taylor ... ... ... 260
Thomas ... ... ... 78
Thoresby ... ... ... 28
Thorpe ... ... ... 193

VAUPELL ... ... ... 196

WATSON ... ... ... 154
Watkins ... ... ... 261
Way ... ... ... ... 193
White... ... 85, 171, 191
William of Malmsbury ... 55
Wren ... ... ... ... 32

# THE FORESTS OF ENGLAND,

AND

THE MANAGEMENT OF THEM IN BYE-GONE TIMES.

## INTRODUCTION.

SOME twelve years ago application was made by Mr H. Leeds, then Conservator of Forests in Bengal, for permission to visit the Crown Forests in Europe, and the Naval Ordnance timber depôts. It was granted to him, and letters of recommendation to the forest authorities in France and Germany were given to him by the Home Department of the Government of India. He presented to the Government a report of the observations he had made; and he subsequently addressed to the Under Secretary of State a communication, of which the following is a copy:—

"SIR,

"1. For several years past I have felt that a standard work on Sylviculture, in our own language, was very much needed, not only for the use of landed proprietors at home, but especially as a guide for the use of forest officers in India.

"2. Some books are to be found on the subject (those of Grign and Brown, for instance), but they are not of the class we require.

"3. During my late visits to our Royal forests and other woodlands in England, I found that we possess a vast deal of valuable information on the history and management of our forests among our public records, published, for the most part, at the time when searching inquiry was made as to the management of our forests, the press at that time teeming with articles on the subject; and the excellent management of the woodlands of many of our nobility and other large landed proprietors (which, from the various geological features of this country, present almost every variety of growth), show that, although the wooded portions of Great Britain do not extend over immense areas, the science of forestry has occupied much more attention than is generally believed.

"4. The gentlemen employed as stewards and managers on our lands, many of them of the highest talent, have far too much to do to think of sitting down to write books, and thus it happens that year by year the most valuable experience is lost to us; and, publications being scarce, and forest questions shelved, so to speak, since the Forest Act was passed, a general idea has spread abroad that in this country we are comparatively ignorant on this subject. Such, however, is not the case.

"5. There are now only a few men in the country who know where to lay their hands on the records, scattered about in many of our public offices and institutions, which would be required in order to compile any book on the history and management of the forests and woodlands of Great Britain. They went through the Parliamentary inquiry of some 30 years ago; age is creeping on, and unless we seize the information they possess now, it will, in the course of a few years, pass away from us.

"6. It is under these circumstances that I venture to bring to the notice of Government the advisability of at once collecting, in a standard volume, the history and experience learned in our forests and woodlands. It is amply evident that Government must first move in the matter, or nothing will be done. I would suggest that a sum of

money should be voted for the purpose of bringing out a complete work worthy of Government authority, and that the matter be submitted to our deputy surveyors of Royal forests and our technical societies for consideration, to draw up a plan of the work, to be referred by them to Government for final approval. I would suggest that the work be copiously illustrated by good and judiciously chosen photographs, to illustrate and explain portions of the text. It is unnecessary for me to enter into any detail of what the work should contain. This will be far better settled by those to whom the matter will be referred.

"7. Excellent as many foreign publications on forest matters are, the language in which they are written closes them to the many; and even good German and French scholars shrink from books written in technical language, interpersed with long compound words, from which it is difficult to extract a definite idea, and especially is this the case with Indian officers, who have laid aside European for Asiatic languages. But, besides this objection, they are far too elaborate, and more fit for professors in-doors than the active and practical forest officer who must scour the country and not live on his book. There is no mystery in forestry, and it is easily learnt. The scientific student and the good practical forester are perfectly distinct in their avocations.

"8. Writing from many years' experience in behalf of forest officers, I know that they are starved for want of one standard source of information, and, situated as they are, it is most difficult to get at sources whence they could procure any. A work, such as might be prepared, would not only be of immense value to them, but to every landholder in this country who feels the want of a guide before he enters upon planting or thinning on his property. Such a work would soon be in the hands of a very large section of our countrymen, and its preparation is indeed a national requirement.

"9. Before closing this letter I may perhaps be per-

mitted to suggest that if it were made the duty of some Government officer, to whom "forest matters" are entrusted, to watch our scientific and technical societies' publications, and to purchase a few copies whenever essays or papers appear relating to forests and their products, for distribution to conservators of forests, whose duty it would be to circulate to their district officers, much good would result. Perhaps if these papers were collected into one volume once a year and distributed, it would be a better plan, as they would form a complete record of the year's information on the subject, and remain a record, not easily lost, in our public offices.

"10. I trust that the interest I feel in all connected with the progress of forestry in India, and my natural anxiety to obtain for myself and officers every kind of information which will assist us in the administration of the immense charge entrusted to us, will be deemed sufficient reason for having, perhaps, stepped beyond my province in addressing Government direct on the eve of my return to duty."—I have, &c

"HENRY LEEDS,

"Conservator of Forests, Lower Provinces, Bengal.

"The Under Secretary of State for India."

The receipt of this letter led to the following correspondence:—

"India Office, 2d April, 1870.

"GENTLEMEN,

"You were kind enough to comply with the request of his Grace the Secretary of State for India, conveyed to you in the letter from this department of the 16th of July last, and enable Mr H. Leeds, the Conservator of Forests in Bengal, to inspect the systems and operations carried on in the management of the Crown forests, and I am now directed to transmit to you a copy of a letter from Mr Leeds (who has now left this country on his return to his duties in India), enlarging upon the benefit which would accrue to this country, as well as forest officers in India, if

a handbook of the information to which he has had access, by your permission could be published, and stating his conviction that such a work would find a ready sale.

"In submitting this letter for your consideration, I am desired by the Duke of Argyll to inquire whether there is any likelihood of such a work being undertaken by your department, and to state that his Grace would not object to give such assistance as was in his power towards its accomplishment.—I am, &c.,

"HERMAN MERIVALE.

"The Commissioners of
"Her Majesty's Woods and Forests, Whitehall Place."

"Office of Woods and Forests, 8th April, 1870.

"SIR,

"I have to acknowledge the receipt of your letter of the 2d inst., transmitting, by direction of the Secretary of State for India, a copy of a letter from Mr H. Leeds, the Conservator of Forests in Bengal, conveying his opinion of the benefit which would result from the publication of a handbook of the information relating to the Crown forests and woodlands in this country, to which he has had access while on leave, and I have to request that you will convey to the Secretary of State for India my thanks for the communication, and inform his Grace that I have long contemplated the desirability of having such a handbook compiled.

"I trust the time is not far distant when I may have the pleasure of placing such a work at his Grace's disposal, and I feel much obliged for the offer of his Grace's assistance.—I am, &c.,

"JAMES K. HOWARD.

"Herman Merivale, Esq."

From the years 1863 to 1866 inclusive, I held the office of Colonial Botanist at the Cape of Hope. When I was appointed to this I was informed that the office, originally established in the year 1858, was created with the

twofold object—1st, Of ascertaining and making generally known the economic resources of the Colony as regards its indigenous vegetable productions, and its fitness for the growth of valuable exotic trees and other plants; and 2nd, Of perfecting our knowledge of the flora of South Africa, and thus contributing to the advance of botanical science.

To my report as Colonial Botanist for 1863 was appended a memorandum on the conservation and extension of forests as a means of counteracting disastrous consequences following the destruction of bush and herbage by fire.

By the Legislative Council of the Colony, there was appointed a Special Committee to consider this report. I was called before this Committee to give evidence, and in answer to Q. 95: Will you give us an idea of the changes you would recommend? I said, amongst other things, "Thirdly, I recommend the procuring information in regard to the most approved measures of forest economy which are applicable to the management of the forests of this colony, by commissioning some one acquainted with these forests to visit the Forest Schools of Germany, and, if it be thought advisable, to visit also the forests in other parts of Europe, and report thereafter what is seen, or is suggested by what is seen there, applicable to the management of forests in this country, whether relating to matters connected with private enterprise or Government control."

It is only on the Continent of Europe, and now in India, that the advanced forest science of the day has been applied to the management of extensive indigenous forests, as exist at the Cape of Good Hope, and in others of our colonies and dependencies. I speak from personal knowledge. But in the administration of the woods and forests of England evils have been encountered like unto some which have been encountered in the administration of forests in our colonial possessions, and I have felt the want of some such work as was desiderated by Mr Leeds; while others who had to do with the administration and

management of the Woods and Forests of England have, I doubt not, felt the same.

In the absence of some such work as was projected by the Commissioners of Woods and Forests, now twelve years ago, I prepared for myself a rough sketch of the history of British forests, and the treatment of them from the earliest times to the present; and this having served my purpose, I have filled up the outline and revised the compilation for the press, hoping that in the lack of something better it may be acceptable to others desiring such information.

The treatment of forests and woodlands in England admits of division into that to which they were subjected previous to the present century, and that to which, in consequence of wars arising out of the French Revolution, they have since received. That in the former era alone is reported in this volume.

# PART I.

## THE FORESTS OF ENGLAND.

### CHAPTER I.

#### ANCIENT FORESTS.

When Britain was invaded by the Romans, about the commencement of the Christian era, the country was extensively covered with forest. The people were literally a savage—*salvage* people. Cæsar found upon the South Coast people engaged in agriculture, and some towns inhabited by traders between Britain and the Continent; but all beyond appeared to be a vast and horrid forest; and he tells, apparently with a feeling of contempt, "A town among the Britains is nothing more than a thick wood, fortified with a ditch and rampart, to serve as a place of retreat against the incursions of their enemies."

Strabo, the historian, who died A.D. 25, in his treatise on Geography—a work celebrated for its elegance and purity, and for the erudition and extensive knowledge which it displays—devotes a chapter to notices of Gaul and Britain, and tells of our ancestors:—"Forests were the only towns in use among them, and these were formed by cutting down a large circle of wood and erecting huts within it, and sheds for cattle." It may be the case that the generalisation was carried further than was warranted; but much is known which is in accordance with these pictures of ancient Britain; and though Geoffrey, of Mon-

mouth, Bishop of St Asaph in the twelfth century, alleges that at a time long anterior to this the Britains were a civilised and settled people, there is much to lead us to conclude that at that period the country throughout much of its extent was forest, and moorland, and marsh.

"The Romans," writes the author of 'English Forests and Forest Trees,' a work published anonymously in 1853, which I shall have occasion to quote frequently in the sequel, "were not mighty hunters, and during the time they occupied Britain they appear to have used the forests only for purposes of utility. They had, if we are to believe some historians, iron furnaces in the forest of Dean; and through that forest ran one of their great roads. They must also have required a large supply of timber for their galleys, especially in the neighbourhood of such ports as Chester, subject to sudden and frequent incursions of the native inhabitants, who had taken refuge in Wales. But no forest boundaries were marked by them, no enclosures were made, and the woodland parts of the country remained as they were under the Britons.

"When the Saxons came, this state of things was entirely altered. That hardy race were hunters from their childhood. They loved to chase the wild boar and the deer through these primeval forests; and they talked of their exploits in hunting with as much pride as of their daring deeds in war. They loved to burnish their hunting weapons, and to keep their horses and hounds in a high state of training. Both kings and nobles delighted in the pleasures of the chase; and among their highest accomplishments, and the part of their education most carefully attended to, was reckoned skill, courage, and address in hunting. In Asser's 'Life of King Alfred' this is specially referred to.

"The forest hunting grounds of the Saxons extended over many woodland districts, whose character in our days is entirely changed. The Saxon noble had his large house or hall built in the forest, which supplied the timber of which it was constructed. Here, with his numerous re-

tainers, his billmen and bowmen, his hunters, his 'born thralls,' and his swineherds, he indulged in that coarse gross, plentiful way of living, and almost unlimited hospitality, which characterised his race. The forest enabled him to be generous and profuse, for it then abounded with game. His mornings were spent in the chase, pursuing the boar and the deer; and his evenings in boisterous mirth, and often excessive drinking, in his old halls, surrounded by his retainers and by trophies won from the forest game. A wandering minstrel or a holy pilgrim occasionally enlivened the scene; and often the mirthful troop was broken up by a hasty summons 'to arms,' to defend themselves from the attacks of organised and almost licensed robbers, or to march to the assistance of the king. No books shed their influence over these assemblies; and even Christianity had scarcely had time to eradicate all traces of the old pagan superstition. But there were other mansions besides those of the nobles in the pleasant places of the forests. The clergy had (about the time of the Norman invasion) obtained possession of nearly one-third of the country, and in the most agreeable spots, amid shady woods and by silvery rivers, had erected their religious houses. Many forest districts belonged to them; and traces of their claims on forest produce lingered long in the history of our country. Many a band of outlaws, living by plunder, found refuge in those days in the forest; and many a holy man, disgusted with the world around him, sought refuge in the forest, where,

> 'Far in a wild remote from public view,
> From youth to age the reverend hermit grew;
> Remote from man, with God he passed his days,
> Prayer all his business, all his pleasure praise.'"

To the usages of these times it is that we are indebted for the legal and technical use made of the word *Forest* in England.

It might prove interesting to trace the application made of the term *forest* to different descriptions of woodlands,

till it acquired the conventional application made of it in our day to a somewhat extensive, dense, and irregular growth of self-sown trees, like to the *silva horrida* of Roman authors. But here it must suffice to state that in colloquial phrase in the olden time, and in legal phraseology still, the connection of the term with trees is only incidental and adventitious. Startling as the statement may be, if it be now met with for the first time by any reader, it is nevertheless true that there may be a forest where there are no trees, and a boundless continuity of primeval woods, without its being entitled to be legally designated a forest.

In other countries, as for example in France and in Germany, such terms as forests, forestry, or terms corresponding to these, are terms applied constantly to laws and proceedings regarding forests as consisting of woodlands and productions of fuel, wood, and timber; and thus it is with the popular use of such terms in England at the present time, and, in the scientific or technical phrase, Forest Economy. But in England in legal phraseology, and even in tales relating to the olden time, the same terms are applied almost exclusively, if not entirely so, to laws regarding the forests as affected by the Game Laws, and to the conservation and shooting of deer; and so different are the imports of such words now when used in legal deeds, and when they are used in common conservation, that the adoption of foreign terms has been in some cases deemed necessary to secure accuracy and precision.

The etymology of the word is involved in obscurity. It is formed from the Latin word *foresta*, which first appears in the Capitulars of Charlemagne, and this is said to have been derived from the German word *först*, which was applied to the same thing. Sir Henry Spelman, a distinguished antiquary who lived in the reign of Queen Elizabeth, conjectured that it may have been derived from *fores restat*, applied to what remains outside the town. It would thus correctly describe what was the case in the time of Cæsar, and in the time of Spelman, and it may be said also still.

In Manwood's "Forest Laws," published in 1598, and held as high authority, it is stated: "A forest is a certain territory of wooddy grounds and fruitful pastures, priviledged for wild beasts and foules of forrest, chase and warren, to rest and abide in, in the safe protection of the king for his princely delight and pleasure; while territorie of ground so priviledged is meered and bounded with irremoveable markes, meeres, and boundaries, either known by matter of record, or els by prescription. And also replenished with wilde beasts of venerie or chase, and with great coverts of vert for the succour of the said wilde beastes to have their abode in; for the preservacion and continuance of which said place, together with the vert and venison, there are certen particular lawes, priviledges, and officers belonging to the same, meete for that purpose that are onely proper unto a forrest, and not to any other place." Blackstone thus defines a forest:—"Forests are waste grounds belonging to the king, replenished with all manner of chase or venery, which are under the king's protection for the sake of his recreation and delight."

The so-called Forest Laws of England relate to these royal hunting grounds, and refer primarily to the land game, and only in subordination to this to the trees affording covert and shelter, excepting in recent times when wood had begun to fail, and *venerie* or hunting, though continued, had lost some of the importance attaching to it as an amusement of kings.

Sir Henry Spelman gives a list of the forests existing in his time, and Manwood supplies similar information, from which it appears that the principal English forests are these:—The Sherwood Forest, on the Trent; the Dean Forest, on the Severn; the Windsor Forest, on the Thames; the New Forest in Hampshire, erected by William the Conqueror; and that of Hampshire Court, erected by Henry VIII.

But, besides these, mention is made of upwards of sixty

other forests, besides chases, of which there were thirteen mentioned, and parks, of which there were upwards of 600 fully recognised.

The essential characteristic of a forest, Manwood intimates, is its being set apart for the conservation of game. The timber trees, which in modern times are supposed to be the constituents of a forest, are, according to Manwood, treated in the laws of the forest chiefly, if not exclusively, as cover for game; and the pasturage of forests, as provision for the support and nourishment of the same. He affirms expressly:—"A forest must always have beasts of venery abiding in it, otherwise it is no forest; and if there be neither beast of forest, nor beast of chase in the same, then may men fell their woods that they have within the forest and destroy their covers, for that there are no wild beasts remaining in it to have cover therein;" and the same thing is reiterated in language, if possible, still more explicit.

In another part he says:—A forest having neither beast of venerie, *i.e.*, as he elsewhere explains the terms, hart, hind, hare, boar, and wolf; nor beast of chase, *i.e.*, buck, doe, fox, marten, and roe:—a forest having neither beast of venerie nor beast of chase in it is no forest at all.

It thus appears that in English law a forest is a royal hunting ground, including both woods and fields, and comprising, it may be, private property; and in virtue of its being a royal hunting ground legally constituted alone is it so designated.

By the Redbook *Liber rubrus*, it is declared that a forest cannot be made in every place, but only in fit places, that is, woody countries.

"By this it appeareth," says Manwood, "that it is incidental to every forest to be as well replenished with woods as to have pleasant food and lands for the king's deer.

The manner of erecting a forest, according to law, is thus described:—"Certain Commissioners are appointed under the Great Seal, who view the ground intended for a

forest, and fence it round; this Commission being returned into Chancery, the king causeth it to be proclaimed throughout the country where the land lieth that it is a forest; and prohibits all persons from hunting there without his leave. Though the sovereign may erect a forest on his own ground and waste, he may not do it on the ground of other persons without their consent; and agreements with them for that purpose ought to be confirmed by Parliament."

Of the more ancient forests in England I have found no record or history which makes any certain mention of their erection, though they are mentioned by several writers and mentioned in several of our laws and statutes.

According to Manwood, the sovereign alone can make a forest, and by a sovereign alone can a forest be held; and thus is a forest distinguished from a chase, a park, a warren, or a pasture.

It appears that while a forest cannot be held by any but the sovereign, it is competent to a sovereign to make a grant of a forest to a subject on request made in Chancery; but by this very act it ceases to be a forest, and in accordance with this statement, it is observed by Crompton that that which would otherwise be called a forest, when it is in the hands of a subject, loses its name and becomes a chase, which is a place of retreat for deer and wild beasts, but having not the privileges, laws, and coverts of a forest, and being subject to the control of common law. It differs also from a forest in not being enclosed.

Pennant states that Sir Henry Munro, of Fowlis, holds a forest from the Crown upon a very whimsical tenure—that of delivering a snowball on any day of the year that it is demanded; and, it is added in the notice of this which I have seen: he seems to be in no danger of forfeiting his right by failure of the quit rent, for snow lies in the form of a glacier in the chasm of Ben Nevis, a neighbouring mountain, throughout the year. According to the law laid down by Manwood, this ce-devant forest would, in

virtue of the transfer, be no longer a forest, but thenceforward its legal designation should be a chase.

A park is so named from the French *parque, i.e., locus inclusus*; it is a large space of ground enclosed and privileged for wild beasts of chase, by the king's grant or prescription, according to Manwood, *tam sylvestris quam campestris;* nor can a park be erected without license under the broad seal.

To constitute a park three things are required:—1, A grant thereof; 2, Enclosures by pale, wall, or hedge; 3, Beasts of a park, such as the buck, doe, &c.; and it is declared that when all the deer are destroyed, it shall no more be accounted a park: for a park is determined by vert, venison, and enclosure, and if it is determined in any of them it is a total disparking. It may be mentioned parks are not governed by the forest laws, but are subject to the common law.

In forest-law mention is made also of warrens. A warren, I find it stated, is a franchise or free place, privileged by prescription or grant from the king, for the keeping of beasts and fowls of the warren; which are hares and coneys, partridges, pheasants, and some add quails, woodcocks, water-fowl, &c. These being *ferœ naturæ*, every man had a natural right to kill as he could; but upon the introduction of the forest laws at the Norman Conquest these animals, being looked upon as royal game and the sole property of the sovereign monarch, this franchise of free warren was invented to protect them by giving the grantee a sole and exclusive power of killing such game, so far as his warren extended, on condition of preventing other persons. A man, therefore, that has the franchise or warren is in reality no more than a common gamekeeper; but no man, not even a lord of a manor, could by common law justify sporting on another's soil, or even on his own, unless he had the liberty of free warren. This franchise has almost fallen into disregard since the

new statutes for preserving the game, the same being now chiefly maintained in grounds that are set apart for breeding hares and rabbits.

A warren may be unfenced and open; there is no legal necessity for enclosure of it, as there is of a park, to constitute it such.

# CHAPTER II.

## MODERN WOODS AND FORESTS.

### SECTION I.—FORESTS.

THE technical distinction drawn aforetime between woods and forests, and chases and parks, it is expedient to adopt in treating of the woods and forests of England. We have found that technically, according to older usage, the characteristics of a forest in England are these:—It must contain animals for the chase; trees or underwood for the shelter of them; and it must belong to the sovereign. Amongst the principal old forests, were reckoned by Manwood—the Sherwood Forest, the Dean Forest, and the New Forest; but he makes mention of about sixty others. From amongst these Epping Forest may be cited as supplying in its early history information in regard to early forestal usages, and as having local peculiarities differing from those in the others.

#### A.—*Sherwood Forest.*

The mention of Sherwood Forest at once calls up memories of much which has been heard in regard to Robin Hood, or *Robin i' the Wood*, and his bold companions. But beyond this allusion to the fact we may not tarry, excepting to tell that near to the ruins of an old nunnery, the Kirklees, not far from Huddersfield, is a tomb over which wave the branches of the pine, while the whole surrounding scenery is befitting companionship to

the tomb of a child of the forest, and on the tomb is the following epitaph:—

"Here, underneath this laith steun,
Laz Robert Earl of Huntington;
Nea archers were az hie sa geud,
An piple kauld him Robin Heud.
Sick utlawz az hi and is men
Wil England niver si agen.
Obiit 24 kal. Dekembris, 1247."

On the brow of a gentle hill in the neighbourhood of this old hunting-seat of King John, stands a crumbling fragment of a tree, called the "Parliament Oak." Tradition says that Edward I. and a princely retinue were merrily chasing the panting deer through the entangled paths of the forest, when a messenger arrived in breathless haste, bearing intelligence that his majesty's new subjects in Wales were in open revolt. The monarch instantly called his knights around him, and under the branches of this once noble tree held an urgent council. The knights, with brief resolve, called out for prompt suppression and exterminating war.

The "Parliament Oak" is supposed to be above a thousand years old; it is now 20 feet high, varying from 27 to 32½ feet in circumference. From the ancient trunk start forth youthful branches, which, in the autumn of 1842, brought forth above three hundred acorns. The Duke of Portland, the owner of Clipstone Park, has caused this tree to be braced and supported by poles. A young oak, raised from an acorn of the present tree, was planted in the very heart of it, but some rude hand has broken down the top.

"Sherwood Forest was once very extensive. It covered the whole county of Nottingham, and extended into both Yorkshire and Derbyshire. It was well stocked with beasts of the chase, and was one of the favourite hunting resorts of the Norman kings. The Conqueror seems to have spared it in his northern devastations. Camden's description of it is very short, and gives little information.

He says:—'More inward lies Shirewood, which some interpret a *clear wood*, others a *famous wood;* formerly, one close continued shade with the boughs of trees so entangled in one another that one could hardly walk single in the paths. At present it is much thinner, and feeds an infinite number of deer and stags; and has some towns in it, whereof Mansfield is the chief.' The forest is sadly altered now; only a few vestiges of its olden glories survive, and these have been so maimed, and mauled, and battered about by time, and storm, and tempest, that their very age inspires melancholy feelings. No hunter's bugle-horn is ringing now; there are no long shady avenues to saunter along and dream of bold outlaws and ruthless Norman kings; no spreading oaks under whose shade one could lie down and watch the gambols of the deer. Civilisation has come, and the forest has gone. It is at Bilhaugh where the best specimens of the old tenants of the forest are to be found. Here are oaks that cannot be less than six or seven centuries old; that carry us back through the days of the 'mighty hunters of the forest'—the pedantic James, the haughty Elizabeth, the Henrys, the Edwards, and the Williams, the lion-hearted Richard, and the pusillanimous John. Ay, and the forefathers of these oaks must have been there when the Saxon dwelt in the land, when the Druids cut the mistletoe, and higher and higher still, when wild beasts alone ruled and ravaged our island."

Such musings tell of the thing which has been. It has been alleged that the forest oaks are only in the park of Thoresby House, and that the domains here comprise by far the most attractive part of the forest. Mr John Hutton, of Woodcote, Epsom, writes, in a letter to the editor of the *Spectator*:—

"On the contrary, by far the most attractive part of Sherwood lies, north and south, between the park and the village of Edwinstowe, and, east and west, between Cockglode—Mr Foljambe's place—and the Centre Riding, and is known as Birkland. The Major Oak, the oak called

'the Butcher's Shambles,' the Parliament Oak, and others, are all outside the park, and so are all most fantastic and grotesque old oaks. There also, and nowhere else, are all the graceful and lovely birches—so marked a feature of Sherwood—and there is the magnificent group of the nine Scotch firs, not far from the Buck Gate, which we knew amongst ourselves as the Nine Muses. Within the park the scenery is very lovely, but comparatively tame, notwithstanding the extensive sheet of water. Its great attractions are certainly not the oaks—which are very numerous but not to compare to the Birkland oaks—but the avenue of Spanish chesnuts, perhaps the finest in England, and two or three (I forget which) unrivalled beeches near the Proteus Lodge, than which the New Forest itself can show nothing grander.

"If your readers want to see oaks in majesty and in weird grotesqueness, let them make their headquarters at Edwinstowe, and wander about Birkland."

Of Sherwood Forest, Mr Henry Evershed, writing in *The Journal of Forestry* (vol. iii., page 190), says:—

"If we were asked when Sherwood Forest first became a forest, we reply, 'When was it not one?' It was a royal forest before and after the Conquest. From the earliest times all our hunting monarchs paid frequent visits to Sherwood. The Saxon kings came to Edwinstone, the Normans to Clipston. King John was much at Clipston, where the ruins of his 'hunting box' bears his name. Edward I. held a great council under the shade of an oak of gigantic size, whose trunk still stands at the corner of Clipston Park, on the side of the road between Mansfield and Edwinstone, bearing the name of the Parliament Oak. Our last hunting and hawking monarch, James I., was particularly attached to the same neighbourhood, and came sometimes to Newark, and frequently to Newstead Abbey. Bad times followed, and at the last royal chase which history has recorded, after all the merry meetings that had gone before, Charles I. was himself the quarry.

On the 16th of August, 1645, the king was at Welbeck House with a flying army. From thence he went to Southwell, and not long after to the scaffold.

"Many of the woods of the forest were at this time destroyed, and during the Protectorate the privileges of the forest were vested in the keeping of several of the more important local gentry, who, with few reservations, enjoyed full liberty of destruction. Thorston, the historian of Nottinghamshire at that period, says, 'The state of the forest at this present consists of a warden, his lieutenant, and his steward, a bow-bearer and a ranger, four verderers, twelve regarders, four agisters, and twelve keepers or foresters in the main forest; besides these are now four keepers in Thorney Woods; . . . they are all reduced under the Chief Forester, the Earl of Chesterfield, and his heirs.'"

In connection with interesting facts relative to the history of Robin Hood, he states what more closely concerns the subject of our study, that the area of Sherwood Forest was about 100,000 acres, and "that this magnificent deer forest was not all of one monotonous character, like some of the deer forests of Scotland, but diversified and picturesque, partly in timber, partly in extensive tracts of greensward, heather, and gorse or broom. The green and gold livery of the outlaws was taken from the two prevailing colours of the forest in the early summer when the campaign began,—the green of leaves and the gold of blossoming gorse and broom.

During winter the outlaws lived secluded in the recesses of Cresswell Crags and Markland Grips, near Welbeck Park. These cavernous rocks are little inferior to those of Matlock Dale, and their deep clefts formed natural strongholds extremely difficult to approach."

In another article in the same *Journal* (Vol. i. page 256), it is stated:—

"Many perambulations of this forest were made in different reigns; one in the 28th of Edward I., another in

the 30th of Henry VIII., and a third in the 14th of Charles II. The forest is described in a survey made in 1609, as being divided into three parts or districts, called the north, south, and middle parts. The whole quantity of ground was as follows according to that survey:—

| | A. | R. | P. |
|---|---|---|---|
| Inclosures . . . | 44,839 | 1 | 11 |
| Woods . . . . | 9,486 | 0 | 23 |
| Wastes . . . . | 35,080 | 2 | 6 |
| | 89,406 | 0 | 0 |
| Clipstone Park . . | 1,583 | 1 | 25 |
| Beskwood Park . . | 3,672 | 0 | 0 |
| Bulwell Park . . | 326 | 3 | 2 |
| Nottingham Park . . | 129 | 3 | 9 |
| | 95,117 | 3 | 36 |

"According to this survey there were found to be in 1609, 21,000 oak trees in Berkland, and 28,000 in Bilhalgh, and the trees in general, even at that time, were past maturity. By another survey in 1686, there were in Berkland 12,516 trees, and 923 decayed hollow trees, and in Bilhalgh 21,080 trees, and 2,797 hollow trees. By a survey in 1797, there were in Berkland and Bilhalgh together, only 10,117; these at the time were estimated at £17,147, 15s. 4d., so that in seventy-seven years (from 1609 to 1686) 2,593 trees had been cut down, and in 104 years (from 1686 to 1790) 27,199 trees were so dealt with, but in so long a period many may have been laid low by the effects of the wind."

The whole history, I had almost said of every park in the Sherwood Forest, is full of romance, comprising much beside what relates to Robin Hood; and scarcely can a volume, great or small, which treats of it, be opened but it is found teeming with details of romantic incident, all of

them historical, or founded on history written or traditional. The temptation is strong upon me to break bounds and cite one and another of the tales of romance associated with this forest; but I may not.

The following details are given from an article entitled *Sherwood Forest, and some of its more Notable Trees*, which appeared in the *Journal of Forestry* for 1881 [vol. v., pp. 385–399, 457–472], by Mr Llewellyn Jewitt, F.S.A., illustrated richly with ballad lore, reproductions of old cuts, and modern plates.

"But few of our old forests can compare in point of historical importance and legendary interest with 'merrie Sherwode,' whose picturesque features have for ages proved a prolific source of subjects for the pencils of artists of all classes to delineate, and formed a never-ending theme for innumerable prose writers and poets to dilate upon, while its various characteristics have tempted scientific men into long disquisitions, and found food for ballad-mongers of all periods.

"Originally a royal forest, and one of the proudest of the proud possessions of the Crown, Sherwood, or Shirewood, was of vast extent, and second in importance for its timber and its deer to none in the kingdom, while various events and scenes enacted within its boundaries give it an historical interest, that in some points raises it above most other localities. In dimension it at one time covered an area of some twenty-five miles one way, by eight or ten the other, and embraced within its boundaries monasteries, townships, and knightly seats. At one of its extremities was Nottingham, where kings and princes stayed, 'nobles did congregate,' and sheriffs swayed despotic power; at another was Mansfield, 'a favourite hunting-seat of the kings of Mercia,' and where, later on, a royal palace was built, and royal court held; and Worksop, and a score other places of interest were included within, or closely adjacent to, its confines.

"The name of Sherwood or Shirewood is, there can be

no reasonable doubt, derived from the open-air assemblies, or folk-moots, or witenagemotes of the shire, being there held in primitive times, and this is well borne out by the fact of the village of 'Shireoaks' taking its name from an enormous oak tree, the Shire Oak, under which the folk-moots were held, and which stood then at the point of junction of the three counties of Derby, Nottingham, and York. Under the branches of this tree, it is said, shelter was found for 230 horsemen. It is curiously described in Evelyn's 'Sylva.'

"The Nottinghamshire 'moot' was held under a large oak in the forest; and very many instances are on record of similar trees being used for the moots of other counties. Thus the 'Shire Oak' of Staffordshire stood by the side of the road from Lichfield to Walsall, about four and a half miles from the latter place; that of Lancashire on 'Sherrocks (or Shire Oaks) Hill,' and so on. Then, as recounted by Gomme, we have 'Shrieves Wood' mentioned as one of the boundaries of Clarendon Forest; and a most important example, the 'Shyreack,' at Headingly, in Yorkshire, of which it is said, 'mediæval tradition declares this to have been the tree under which, in Saxon times, the shire meetings were held, and from which the name of Shireoak, or Shyrack, has been imposed upon the Wapentake,' and 'the Wapentake of Shireake seems to have received its name from some such a convention at some noted oak, or to use a local word, 'Kenspack-ake.'

"What these 'moots' or shire meetings were, it is not necessary to my present purpose to inquire into in detail, but it may be well to say, that at these primitive open-air assemblies, causes were heard and arranged; disputes as to ownership of lands, and what not, settled; crimes or acts of violence against the person adjudicated upon; and indeed all matters that required the voice of freemen to be heard, arranged. There can be little doubt but that even in the earliest prehistoric times, some of the stone circles which still remain to us might have been used for the purpose, as well as oak or other trees; and many

records in later days attest the fact of the use of trees as meeting-places.

"In the Celtic period, the district in which Sherwood Forest is comprised, formed a part of that division of our country that was occupied by the Coritani, and some few remains belonging to that period have, I believe, at one time or other, been exhumed within what were once its boundaries. During the Romano-British period, there is abundant evidence of occupation, for Roman camps have been discovered in various parts of the forest, and other remains have been brought to light. Of some of these, Hayman Rooke furnished an account to the *Archæologia*. Among these, were one near Pleasley, 600 yards in length, by 146 in breadth, of pretty regular form, with its ditches remaining; another, which he considered an exploratory camp, near the east end of his own village of Mansfield Woodhouse, on an eminence called Whinny Hill; a third in Hexgrave Park; a fourth at a place called Combs, near the same neighbourhood, and others. Remains of Roman villas have also been exhumed. Beyond this, writes Mr Stacye, 'a Roman road appears to have crossed the forest, branching off from the great Foss Way, probably at the station named *Ad Pontem* in the Antonine Itinerary, which is supposed to have been situated at Farndon, near Newark. It passed through or near Mansfield, where Roman coins have been found, and so by the camp near Pleasley Park to the neighbourhood of Chesterfield, when it would join the road from *Derventio*, or Little Chester, near Derby, to the north.

"During Anglo-Saxon times the forest must have been not only well known, but much frequented, and many places within its boundaries bear undoubted Saxon names, and are, indeed, known to have belonged to King Edward the Confessor, and afterwards become the property of the Conqueror. Among these, according to Stacye, are 'Mansfield, Edwinstowe, Warsop, Clune, Carburton, Clumber, Budby, Thoresby, and others;' and 'it is worthy of observation,' he continues, 'as regarding the Saxon times, that

the great battle in which Edwin, the first Saxon king of Northumbria, was slain, when fighting against Penda, king of Mercia, and Cadwallader king of Wales, most probably took place, not as has generally supposed, at Hatfield, near Doncaster, but at Hatfield in this neighbourhood, and that his body was buried at the village at this place, which from that circumstance derived its name of *Edwinstowe*, or, the place of Edwin.' Although Sherwood, as a forest, is not directly named in Domesday Book, many places comprised within its district are described as portions of of the king's great manor of Mansfield; and this circumstance of the Crown possessing already so much property here would greatly facilitate the operation of converting it into one of the great hunting-grounds of our Norman sovereigns, who were, most of them, passionately addicted to the chase. It would thus become a royal forest, and be brought under the cruel operation of the forest laws, which punished the least infraction of their injunctions with the severest penalties, even to the loss of life or limb. The earliest express notice of the Forest of Sherwood occurs in the fifth year of King Stephen, in which a William Peverel, of Nottingham, gave account of £23 6s. 8d. of the pleas of the forest; and, next, in the first year of King Henry II., when William Peverel the younger also answered respecting the plea of the forest. The elder William Peverel had charge of the castle of Nottingham, and held, in all, 162 manors. In Derbyshire he held twelve manors, and in Nottingham alone he had forty-eight merchants' and traders' houses, thirteen knights' houses, and eight bondsmen's cottages, besides ten acres of land granted to him by the king to make him an orchard, and the three churches of SS. Peter, Mary, and Nicholas, all three of which he gave, with their land, tythe, and appurtenances, by his charter, to the Priory of Lenton.

"In the twelfth year of Henry II., Robert de Caux, of Caus, Lord of Laxton, a farmer under the Crown, answered for £20, and in the fifteenth year of the same reign Reginald de Laci for a like sum (*pro censu forestæ*) under the

then sheriff, Robert FitzRalph. In the 'Foreste Booke conteyninge the Lawes, Statutes, and Ordinances of the Foreste of Sherwood in the countie of Nott,' in the possession of Earl Manvers, is preserved a copy of a charter granted by John Earl of Mortein or Mortyn (afterwards King John) to Matilda de Caus and her husband, Ralph FitzStephen, confirming to them and her heirs the office of chief foresters in the counties of Nottingham and Derby, and of all the liberties and free customs which any of her ancestors had ever held. She died in 1233, and was buried at Brampton, near Chesterfield, where her monumental slab is preserved. It bears her half-figure within a quatrefoil, and the inscription, '*Hic jacet Matilda de Caus, orate pro anima ej' pat' nos*'.' She was succeeded in her office of chief forester by her son and heir, John de Birkin, and he, in turn, by his son and heir, Thomas de Birkin, who respectively did homage for this hereditary office, and their lands, in the eighth and eleventh years of King Henry III. A few years later the office devolved on Robert de Everingham, in right of his wife, Isabel, daughter of John de Birkin. With Everingham it remained till the time of Edward I., when it was seized by the Crown as forfeited, and since that time the guardianship of the forest has been conferred upon various persons of high stations, as a special mark of royal favour.

"In the sixteenth year of Henry III. a survey of Sherwood Forest was made by royal commission—

"'by Hugh Nevil, justice of the forest, and Brian of the Isle, and others, and the parts that had been brought under the forest laws by previous kings, since the beginning of the reign of Henry II., were disafforested, or set free from those stringent enactments [of the *Charta de Foresta*]; and the bounds and limits of the forest, still preserved as such, were clearly stated to be thus defined. These were fixed; 'to be firm, and stable, and abide for ever.' Starting from a place called Conyngswath, *i.e.*, the King's Ford, the line was drawn by the highway that goeth towards Welhaugh unto the towne of Welhawe towards

Nottingham, so that the close of the towne of Welhawe is is out of the forest, from thence by the side way that goeth betwixt Welhawe and Nottingham unto Blackstone Haugh, and from thence unto that place where Doverbeck river goeth over the side way, and so following the Doverbeck to where it enters the Trent. Again, starting westward from Conyngswath by the river Maiden, the boundary follows the river to Warsop, and from thence by the same stream to Plesley Haye, and from thence to Otterbridge, and from thence turning by the great highway which leads to Nottingham unto Milford Bridge, from thence unto Maidenhead, and from thence betwixt the field of Hardwick and Kirkby to a corner called Nuncar, and from thence by the assart of Iwan Britan unto the Earl's Steigh, and from thence unto Stolgate, and from thence by the great highway under the old castle of Annesley, and from the same castle unto the towne of Linby, passing through the midst of the towne to the mill of the same place, situated on the river Leen, and so following that stream to Lenton, and so to the Trent, where the Leen entered by its old course, and so along the river Trent to the fall of Doverbeck, saving Walhaw Hagh, and other the king's demesne woods in the countie of Nottingham.' "—*Thoresby MS.*

"Another survey of Sherwood Forest was made in 1300, when the above-named bounds were, under certain stipulations, confirmed. In the 'Forest Book' in which this is recorded the following note, which I quote from Mr Stacye, is appended:—

"'And yt is to understand that the foresaid walks, by the afore-named walkers, that there are put out of the forest, the wood of Roomwood, the towne of Carburton, with the field of the same; Owthesland, the towneshippes of Clumber, Scofton, Reniton, half of the towneshippe of Budby, w$^{th}$ the north fields of the same; the towneshippe of Thoressbie, and all the towne of Skegbie, w$^{th}$ the fields of the same, except a little pcell of the field of the same

towards the east; all the towne of Sutton-in-Ashfield, with the fields of the same; and the hamlets adjoyninge the towneshippe of Bulwell, with the wood adjoyninge that is called Bulwell Rise, and the King's Hay of Wellay. *Item*, the wood of the Archbishop of York, that is called Little Hagh, was disafforested by John of Lithgrows, and afterwards all the towneshippes aforesaid, w$^{th}$ hedges and woods adjoining, were put again into the forest by the aforesaid King Edward, son of King Henry III.'

"The places which were thus again put into the forest were parts of the old demesnes of the Crown, even as far back as the time of Edward the Confessor.

"From an Inquisition of the 35th of Henry III. it appears that there were within the forest three keepings, viz., the first between Leen and Doverbeck, the second being the High Forest, and the third Rumewood; and that Robert Everingham, as chief keeper, ought to have a chief servant sworn, going through all the forest at his own costs, to attach trespassers and present them at the attachments before the verderers. In the first keeping he must have one forester riding, with a page and two foresters on foot, and there were to be also two verderers and two agisters; in this keeping were three hays, or parks, viz., Beskwood Hay, Lindby Hay, and Welley Hay. In the second keeping, or the High Forest, Robert ought to have two foresters riding, with their two pages, and two foresters on foot without pages; and there were to be two verderers and two agisterers; in this keeping there were two hays, viz., Birkland and Billahaugh, and also the park of Clipston, and in these hays and parks two verderers and two agisters. In the third keeping, Rumewood, Robert ought to have one forester on foot, and there were to be two woodwards, one for Carburton and another for Budby, also two verderers and two agisters. He ought also to have a page bearing his bow through the forest, to gather chiminage. By the same document it is made clear that the hays of Linby, Birkland, and Billahaugh, and the park of Clipston,

were often under the immediate keeping of the king's Justices in Eyre beyond Trent, and that they ought to have one forester riding alone through all the forest. Also that the abbot and monks of Rufford, from the time of Henry II., who granted them the privilege, had liberty to take vert in their wood, within the reward of Sherwood, and 'whatsoever was to them needful for their owne use, and to all their house boote and hay boote, as well as to all their granges in the forest and without; and they might have a forester of their owne to keep their said wood,' who was to do fealty before the justices of the king, and to report at the attachments of the foresters and verderers of the Crown what trees were taken by the said monks.

"The officers of the forest in later times seems to have been a 'Lord Warden, Steward, and Keeper of the Forest of Sherwood,' appointed by letters patent from the Crown; a Bow-bearer and Ranger; four Verderers; a Clerk of the Forest; a Steward appointed by the Lord Chief Justice in Eyre; a Clerk of the Swainmote and Attachment Courts; a Beadle; nine Keepers appointed by verderers, one for each of the nine walks into which the forest was then divided (viz., Newstead and Popplewick; Langton Arbour, Blidworth, and Highwells; Kirkby, Sutton, and Annesley Hills; Mansfield and Lyndhurst; Mansfield Woodhouse and Norman's Woods; Birkland, Bilhaugh, and Clipston Skroggs; Roomwood and Osland; Blidworth and Farnsfield; and Calverton and Arnold Hill); a Woodward for Sutton, and another for Carlton; and others.'

"Inroads by grants, enclosures, and the like, upon the old forest lands, and the constant cutting down of trees for naval, household, building, and carpentering purposes, have, in later times, taken away the glory of old Sherwood, and reduced its confines to very narrow limits. Still there are at Welbeck, Birkland, Clumber, Thoresby, and other places, many acres of unalloyed beauty, and hundreds of trees of surpassing interest and grandeur.

. . . . . .

"Sherwood Forest, especially that portion which includes and surrounds Welbeck and Clumber, has ever been as famous for the grand and majestic character and the soundness and high-class quality of its oaks, as for its picturesque beauties and the peculiar excellence and abundance of its game. At various periods many of its best and soundest oaks have been cut down for use in in public buildings and in other works, but some of its oldest and finest trees have remained untouched and unscathed except by time.

"Among gifts of Sherwood timber for public purposes one of the most interesting was a grant by the then Duke of Newcastle, to whom Welbeck belonged, of oak trees, towards the rebuilding of St Paul's Cathedral, after the great fire of London.

. . . . . .

"Connected with the grant of oak trees towards the rebuilding of St Paul's Cathedral, his Grace the Duke of Portland has in his possession an autograph letter of Sir Christopher Wren. It is as follows:—

'For Mr Richard Neale,
'Steward to His Grace the Duke of Newcastle,
at Welbeck. 'Lond., April 4th, 1695.

'Sir,

'Having in my letter of June 23, 1695, signified to you a particular of all the scantlings of the Timber wee might use in the roofe of St Paules, that His Grace's noble benefaction might be as usefull as may be to the worke, and understanding that what is already designed is none of the Great beams, w$^{ch}$ is what wee are most sollicitous for, and being given alsoe to understand that wee must expect this season but Ten of the great trees; I presume once more to acquaint you with the scantlings of the great Beames to prevent mistake.

47 feet long, 13 inches and 14 inches at the small end, growing timber, this scantling to hold die square, as neer as can be without sap.

'Mr Longland, our chiefe Carpenter, will be sent down this season to take care of this concerne, & the timber brought down to Bawtrey, whom I desire you to converse with in particulars w^ch^ at this distance I can hardly determine, and beseech you to present with all advantage our utmost sence of his Grace's Favour, of w^ch^ also I am very sensible, as becomes

'Your humble servant,

C^ER^ WREN.'"

## B.—*Epping Forest.*

Of Epping Forest, the information immediately following, as supplied by a chapter entitled *The Forests of Epping and Hainault,* in the anonymous volume entitled *English Forests and Forest Trees, Historical, Legendary, and Descriptive,* published in 1853, already cited.

"The once very extensive Forest of Epping was formerly called the Forest of Essex, being the only forest in that county, the whole of which was anciently comprehended in it. By a charter of King John, confirmed by Edward IV., all that part of the forest which lay to the north of the highway from Stortford to Colchester (very distant from the present boundaries) was disafforested. The forest was further reduced by perambulation made in the year 1640. The boundaries then settled include the whole of eleven parishes, and parts of ten other parishes. The extent of the forest is estimated at 60,000 acres, of which 48,000 acres are calculated to be enclosed and private property; the remaining 12,000 acres are the unenclosed wastes and woods.

"As the extent of the forest became abridged, it was at first called Waltham Forest; but as the distance between that town and its outskirts was gradually increased by the forest-felling hatchet, it borrowed a name of a town more immediately in its thick recesses, and called itself Epping.

"As is common in ancient forests in the neighbourhood of man's wants, the trees in many parts of this forest are

dwarfed in height by repeated loppings, and the boughs spring from the hollow gnarled boles of pollard oaks and beeches; the trunks, covered with mosses and whitening canker-stains, or wreathes of ivy, speak of remote antiquity; but the boughs which their lingering and mutilated life puts forth, are either thin and feeble, with innumerable branchlets, or are centred on some solitary and distorted limb which the woodman's axe has spared. The trees thus assume all manner of crooked, deformed, fantastic shapes—all betokening age, and all decay—all, despite of the solitude around, proclaiming the waste and ravages of man."

In Epping Forest there are, it is mentioned in the volume cited, but in another connection, several curious specimens of "inosculated" oaks, exhibiting the singular mode of growth so designated, by which two trees are united together—or a branch crossing a trunk becomes united to it—a mode of growth, the observation of which, it is supposed by some, to have first suggested the idea of grafting.

There are here remains from very remote times of wild beasts, which here found their lair. In an article in the *City Press* it is stated, "The earliest inhabitants of which we find the remains buried around Epping Forest, are a strange and curious assemblage. They are not monsters or abortions of Nature, such as the earlier poets and chroniclers loved to describe as haunting the priscan forests of Britain. Their graves in the valleys around their old home have enabled us to repeople the forest scene—the glade, the thick brakes, the dense woodland, the open plain, the valley, the river side. And of these sites the glade, the covert, and the open pasture alike seem to have had their appropriate occupants. Elks and stags, elephants and rhinoceroses, bears and bisons, lions and wolves, here found food convenient for them. The mammoth, or northern elephant, and her calf would seem to be the chief figures in the picture, if we may judge from the abundance of their remains. In the midst of an ample vegetation, with

broad and brimming valleys on three sides of their forest home, these varied and interesting forms of animal life lived and flourished for untold centuries, vastly outnumbering the early and struggling race of man. The zoological account of the times which are thus brought before us and of those which succeeded, relates to three distinct periods. The first and the second of these periods are prehistoric, and belong to the so-called Stone Age in South-Eastern Britain. But although named prehistoric, these times, as we shall see, are far richer than the succeeding historic age in the variety and character of the animal life they have bequeathed to us. They were of vastly longer duration. Everything favoured the multiplication and perpetuation of animal life, and the consequence has been a bequest of memorials in the form of the remains of the animals themselves, of which—great as are the discoveries of the past quarter of a century—we at present can form no estimate. Indeed, the stores of fossil relics which have so far been recovered are probably but the beginning of a vast national museum and of innumerable private collections in the future."

Some of the caves in which such remains are found are places of popular resort by holiday visitors to the forest. One of the localities is the Danes' Holes and Turpin's Cave, of which the same writer says :—

"The ancient British troglodyte, returning to his native land, would still find ample underground dwellings ready for his use. Indeed, the caves of Essex are among the oldest and most interesting of its antiquities. The mysterious subterranean chambers in Hanging Wood not only tempt the footsteps of the Saturday afternoon rambler today; for centuries they have sorely perplexed the antiquaries who have examined them. The central shaft down which we descend some 60 or 80 ft. deep; the wide chambers at the base in which we find ourselves as we peer into galleries around—supposing our light not to have been extinguished, and our breathing to have been

unimpeded by the stagnant air; the skeletons of the *feræ naturæ* of the forest, unlucky victims of these fateful traps, which crack beneath our feet as we tread the dubious floor and cautiously venture into the gloom—all these lend romance to the descent into these ancient caverns. Such are the mysterious 'Danes' Holes,' as they are called by the peasantry around—sacred and safe places of refuge for the scared inhabitants at the time when old sea-rovers, the predatory Siguards and Thonds, were wont to ravage the shores of the Thames. To-day these immemorial 'earthworks,' if we may so call them, have yielded up their secrets. The archæologist has at length learned the objects of their excavators. Suffice it for the present that even Turpin's Cave in Epping Forest, as viewed by antiquarian eyes, can scarcely rival the 'Danes' Holes' in interest. This is not, nor ever was, a subterranean cavern. It is an open pit. The roof of wattles and boughs has long since vanished, but once they sheltered the most renowned of modern knights of the road, when the inns of Epping—those favourite haunts of the highwaymen of the Newmarket road at the beginning of the eighteenth centuary—were closed to his visits. Such at least are the cherished traditions of the old settlers round the forest. Certain it is that the memory of Turpin is cherished at Epping, as at Chadwell Heath. Turpin's Cave is as much one of the exhibitions of Epping Forest as Turpin's Oak is of Finchley Common; and who shall begrudge to the admirers of each, in these unromantic and prosaic days, the indulgence of their tastes!

The essential character of a *forest*, in legal and technical phrase, we have found to be its being a Royal hunting-ground; and we have mediæval records of Epping Forest being so used, and notices of permission to make such use of it at specified times being, by Royal favour, granted to the citizens of the metropolis.

The first circumstantial mention of the rights of the City of London is in a charter of Henry I., and in this

mention is made of the privilege of hunting in Chittro, Middlesex, and Surrey; but their rights were afterwards compounded for by "a day's frolic at Epping."

"Henry III. granted a privilege, in 1226, to the citizens of London to hunt once a year, at Easter, within a circuit of twenty miles of their city. In the olden times, therefore, the lord mayor, aldermen, and corporation, attended by a due number of their constituents, availed themselves of the right of chase 'in solemn guise.'

"By the close of the sixteenth century, however, the citizens had discontinued to a great extent the pastime, not for want of taste for it, says Stowe, but of leisure to pursue it. Strype, nevertheless, so late as the reign of George I., reckons among the modern amusements of the Londoners, 'riding on horseback and hunting with my lord mayors' hounds when the common hunt goes out.' This common hunt of the citizens is ridiculed in an old ballad called 'the London customs,' of which we have selected the following stanzas:

'Next once a year into Essex a-hunting they go,
To see 'em pass along, O, 'tis a most pretty show!
Through Cheapside and Fenchurch Street, and so to Aldgate pump,
Each man's with 's spurs in 's horse's sides, and his back-sword cross his rump.

My lord he takes a staff in hand to beat the bushes o'er;
I must confess it was a work he ne'er had done before.
A creature bounceth from a bush, which made them all to laugh;
My lord he cried, A hare! a hare! but it proved an Essex calf.

And when they had done their sport, they came to London where they dwell,
Their faces all so torn and scratch'd, their wives scarce knew them well;
For 'twas a very great mercy so many 'scaped alive,
For of twenty saddles carried out, they brought again but five.'

"Always attentive to the means of ingratiating himself with the Londoners, towards the close of his reign Edward IV. invited the principal citizens to hunt with him in his forest of Waltham; a feast was spread for them under green bowers, and the courteous monarch refused

to sit until he saw his guests served. With his usual gallantry towards the fair sex, he admitted them into a participation of the favours conferred upon their male relations; sending to the lady mayoress and her sisters, the aldermen's wives, two harts, six bucks, and a ton of wine, with which, we are told, they made merry in Drapers' Hall.*

The Epping Hunt was long entirely discontinued, as it had for many years become a mere pretext for a holiday to all the idle, dissolute, vagabondish people of London. In fact, there was no hunt. A deer was carted about from one public-house to another, the spectators gazing at the deer, and the deer gazing at the spectators, and the keepers drinking ale and eating beef until they could neither drink nor eat any more, when the stag was turned out and was soon captured, and the hunt was over. But the day's sport was not over; for there was always an 'adjournment,' after the running down of the stag, which resulted in late suppers, parabolical movements homewards, and dreadful headaches in the morning. The following graphic account of a modern Cockney sport we give from the *Illustrated London News.*

"The Epping Hunt, on Easter Monday, brings back many recollections of the good old days of suburban sports, when the Nimrods of the metropolis went forth, as in the earlier days of Chevy Chase,

'To hunt the deer with hound and horn,'

and gathered in hosts as numerous in Epping Forest as did the borderers of Northumberland on the warlike frontiers of Scotland. Fortunately the sportsmen of the metropolis were not so pugnacious, or at least not so bloodthirsty, as their northern predecessors; for though it must be admitted that on more occasions than one the pleasures

* Fabian.

of the chase were diversified by a pugilistic encounter or two, arising from too vehement a desire to excel in the display of horsemanship, or from the resentment of indignation at being unhorsed and laughed at in the ardour of the pursuit, the combatants were never seriously injured, and a couple of black eyes and a bloody nose corrected the exuberance of momentary excitement, and restored the parties to reason. Easter Monday was a glorious day, not only for that class of sportsmen with which, in the days alluded to, Whitechapel and the northern districts of London abounded, but to the whole class of bold riders from every part of the town who could procure any thing in the shape of a horse to 'carry them up to the hounds;' and fortunate, perhaps, it was for some of the quadrupeds employed for that purpose that the hounds were tolerably well fed, or for the moment more anxious for sport than food, or it is much more than probable that the living carrion which constituted on these occasions a large portion of the 'field' would have furnished a hearty meal for the canine participants in the 'day's diversion.' But be this as it may, the sportsmen from Whitechapel were on this eventful day joined by the sportsmen from all other parts of London and Westminster. On that occasion even the peripatetic commercials from Duke's Place and the regions of St Mary Axe were seen mounted on capering steeds careering to the scene of action, through Houndsditch, as triumphant as Mordecai when honoured by Haman in the palmy days of their Hebrew ancestors. Tothill-fields—or, in the sporting phrase, Tothill-downs—sent its contribution of 'rough-riders' to the chase; and many a gallant Rosinante, reserved for a season from the inexorable pole-axe of the knackers of Loman's Pond and Bermondsey, left the studs of the late Bill Gibbons and the celebrated Caleb Baldwin to make use of their last legs in the forest-glades of Epping. But it was not only on horseback that the Actæons of that day made their way to Fairmead Bottom—the 'venue,' as the lawyers call it, or the 'meet,' as the mighty hunters before the Lord pronounce the

locality of the commencement of the chase. It was in a vast variety of conveyances that the anxious and impatient mobs wended their way to that beautiful spot in the forest, Fairmead Bottom, to see the deer let loose from the cart, and join in the labours of his re-capture or death. There was a pleasing diversity of vehicles employed, and in motion from day-break, and long before the rosy-fingered morn unbarred the turnpike of Phœbus. There were then to be seen in long and rapid succession the Corinthian teams of the noble and rich, the 'heavy drag' of the more bulky and less opulent sportsmen, the four-in-hand, and the hackney-coach; the 'go-cart' and the cart that was 'no-go;' the capacious omnibus of modern interpolation was then not known, or in its neophytic state as a fly-waggon, rolled heavily over Lea Bridge with a load of foresters anxious for the chase and the sylvan honours of the glades.

> 'Some pushed along with four-in-hand,
> Whilst others drove at random,
> In curricle, dog-cart, whisky, one-
> Horse chaise or tandem.'

The *Eagle* at Snaresbrook presented at an early hour a busy scene. The large pond in the immediate neighbourhood was well calculated to quench the thirst and cool the flanks of the 'locomotives,' and the fluids supplied by the landlord added fresh vigour to the drivers and riders of the same. This was a half-way rendezvous of the engines and engineers, and here all having recruited their strength, and confirmed their resolution of being in at the 'take,' proceeded to the well-known *Bald-face Stag*, the 'whereabouts' of 'Thomas Rounding,' Esq., huntsman in ordinary and also extraordinary of the day. Here Tom was to be seen in all his glory. His hunting-cap and coat, his buckskin-breeches and top-boots, mounted on the horse that had borne him through the toils of many a busy day. He was—for alas! he has been gathered to his fathers and grandfathers for some time—a famous fellow in his day. His acquaintance with the forest was as intimate as the

knowledge of a pickpocket with the labyrinth of the Seven Dials.

> 'He knew each lane, and every alley green,
> Dingle and bushy dell of those wild woods,
> And every rocky bourne from side to side,—
> His daily walks and ancient neighbourhood.'

And he had need of all his knowledge on Easter Monday to keep his sylvans in order, prevent his hounds from being crushed to mincemeat by the feet of the horses and the wheels of the carriages, and rescue the deer from ultimate destruction, or premature capture, from the entanglement of actual lanes of men, women, children, quadrupeds, bipeds, carts, coaches, cars, &c., &c.

"The animal, on being released from the cart in the ordinary way, usually made its way for the thickest part of the forest, as if conscious that some hundreds of the pursuers would very soon be unable to thread their way through the intricacies of the ground; and such was the case. All four-wheeled and all two-wheeled carriages were very soon put *hors de combat*. 'What shall he have that kills the deer?' was a question that in a very few minutes became of personal interest to very few persons. It was not long before

> 'A chosen few alone the sport enjoyed;'

and as the 'chase' increased, a series of accidents was inevitable: some fell from their horses; many horses fell from their riders; some were engulphed in mud and mire; some were knocked 'up,' others were knocked 'down;' and before half-an-hour had elapsed, not a tithe of the original 'field' were to be seen in the forest. The deer had a trick, which was to some peculiarly annoying, though others thought it capital fun: he would betake himself to one of the herds of his own species grazing in the forest, and then, instead of one quarry, the hounds and hunters had their choice of a score or two which to pursue. Here was perplexity, and that not a little increased by the hallooing of Tom Rounding, the yelping of dogs, the

cursing of men, the cracking of whips, and the blowing of horns.

> 'All this discordance, this discord,
> Harmony not understood,'

was at length amended by the skill of Tom Rounding, who managed by some means or other to get a part of his pack upon the scent or track of the right deer, and the animal was, for the most part, ultimately driven to bay, when, after a contest with the dogs, he was secured, and taken back to the place from whence he came, not to immediate but to ultimate execution, *i. e.*, to another day's sport at a subsequent anniversary. All this was followed, and indeed accompanied, by eating, drinking, singing, speechifying, and so forth; and if no great encouragement to stag-hunting in its more legitimate sense, it was the means of amusement to hundreds of people, excited mirth and merriment, enforced good-fellowship, and furnished good exercise and diversion."

A hunt with more dignity, perhaps, was held in connection with the opening of Epping Forest by our Queen, when formally declared a people's park.

An old tradition asserts that Henry VIII. was hunting in Epping Forest at the time of the execution of his second wife, Anne Boleyn. We give the tale as related by Dr Nott in his *Life of Surrey*. 'On the fatal morning Henry went to hunt in Epping Forest: and while he was at breakfast his attendants observed that he was anxious and thoughtful. But at length they heard the report of a distant gun—a preconcerted signal.

"'Ah! it is done!' cried he, starting up; 'the business is done! Uncouple the dogs, and let us follow the sport.'"

In the evening he returned gaily from the chase; and on the following morning he married Anne's maid of honour, Jane Seymour.

### *C.— Dean Forest.*

"The Royal Forest of Dean," according to a paper in the *Journal of Forestry* (vol. v. p. 689–699, 761–776), "situated in the south-western angle of the county of Gloucester, adjoining Hereford and Monmouthshire, like most of our ancient Chaces, boasted in olden times of a far more extended range than it at present commands, though in this respect it has perhaps suffered less than any of its greater relatives; the river Severn on the east, the Wye on the west, and the Leadon on the north and north-east formed its natural boundaries, while the line of the highway from Newent to Ross, following the most convenient level in the gap between the Leadon and the Wye, defined its almost equally natural limits on the north and north-west.

"Speaking broadly, it comprised the upland country within the three rivers; a triangular area with its apex at Beachley below Chepstow, where the Wye discharges its stream into the Severn, and its base extending from Ross through Newent to Gloucester. It was famous for its iron mines and oaks in the days when the Cæsars held sway in Britain; when the illustrious Second Legion, after building the massive stone walls and gates of Gloucester (*Glevum*), was pushed forward into the heart of the territory of their ever-restless foes, the fierce Silures, and entrenched at Caerleon-upon-Usk (*Isca Silurum*), where it was stationed for three hundred years, to stop the devastating raids made by the warlike and unconquerable border tribes of Wales upon the fat and fertile Severn valley and the rich western slopes of the Cotswolds, within the Roman pale.

"In A.D. 420 the eagles of Rome finally retired: the coins of Claudius, Gallienus, Victorinus, Domitian, Nerva, and Trajan, found in extraordinary numbers at Whitchurch, Bollitree, Lydney, Coppet Wood Hill, at Lydbrook, Perry Grove, and Crab Tree Hill; the vast mounds of cinders

near their old iron workings, and the marvellous paved highways which still form the principal thoroughfares, remain to tell us of the importance and prosperity of the district as far back as the commencement of the Christian era.

"The chain of detached earthworks commencing with the lines of circumvallation which enclose the promontory of Beachley, the camp and entrenchments on the high lands of Tidenham Chase, then the camp near Bearse Common, terminating in the triple ramparts across the neck of Symonds Yat, generally believed to be portions of the great barrier known as Offa's Dyke, thrown up by that king to prevent the invasion of his territory of Mercia by 'the wylde Welshe menne,' bring us up to the year 760.

"The chronicles of Florentius Vigorniensis tell of an invasion by 'the Pagan Pirates,' under Ohterus and Hroaldus, who, sailing up the Sabrina (Severn), incontinently carried off the good Bishop Cymelgeac from the pleasant mead of Yrcenefield (Archenfield) in the year of grace 912, whom King Edward ransomed for forty pounds of silver. But it is in Domesday Book that we come upon the first undeniable record of the Forest of Dean—'*has tras c' cessit rex E. quietas a geldo pro forestâ custod*'—and Edward the Confessor having thus exempted this forest from the payment of the *Danegeld*, it remained free from taxation under the dominion of the Conqueror. Already a Royal Chace, it became a favourite resort of the first of our Norman kings; and it was while hunting in it in the year 1069 that William received the news of the invasion of Yorkshire by the Danes. Roused to fury by the tidings, he swore with a tremendous oath that not one Northumbrian should escape his revenge, an oath which he put into prompt and terrible execution.

"Between the years 1120 and 1135 the Castle of St. Briavels was built by Milo Fitz-Walter, first Earl of Hereford, who appears to have been also the first Constable of St. Briavells and Warden of the Forest of Dean. In A.D. 1140 the Abbey of Flaxley was founded by Roger, the Earl's eldest son, who named it 'The Abbey of St. Mary

de Dene;' Henry II. subsequently confirmed the institution, and granted to the monks the right of grazing their cattle and feeding their hogs in the woods, with permission to use the timber for repairing their buildings, and to set up and maintain an iron forge. A little later on the same Sovereign gave permission to the Abbot of Flaxley to have both an itinerant and a stationary forge, with wood for fuel; the two consumed more than two of the largest oaks weekly, and to stop this devastation the king gave to the Abbey 872 acres of woodland, known to the present day as 'Abbot's Woods.' Quite recently Mr E. Crawshay purchased from the present holders of Flaxley Abbey 'the vert,' and from the Government 'the Venison' (hunting rights), of this estate, which has thus ceased to be the property of the Crown.

"The Itinerary of King John shows that he visited St. Briavels on November 15th, 1207, and this, and other places within the forest bounds, on no less than sixteen occasions in the following years, his last visit being to Flaxley on December 11th, 1214. From this date we get in Bigland's County History a list of the 'Constables and Wardens' in almost unbroken succession:—

| A.D. | | | |
|---|---|---|---|
| 1215 | 17 | King John | John de Monmouth |
| 1260 | 44 | Henry III. | Robert Waleran |
| 1263 | 47 | ,, | John Giffard (Baron) |
| 1263 | 47 | ,, | Thomas de Clace |
| 1282 | 12 | Edward I. | William de Beauchamp, Earl of Warwick |
| 1289 | 19 | ,, | John de Bottourt (deprived) |
| 1291 | 21 | ,, | Thomas de Everty |
| 1298 | 27 | ,, | John de Handeloe |
| 1300 | 29 | ,, | Ralph de Abbenhalle |
| 1307 | 1 | Edward II. | John de Bottourt (restored) |
| 1308 | 2 | ,, | William de Stanre |
| 1322 | 15 | ,, | Hugh le Despenser (senior) |
| 1327 | 18 | ,, | John de Nyvers |
| 1327 | 20 | ,, | John de Hardeshull |
| 1341 | 14 | Edward III. | Roger Clifford (Baron) |
| 1391 | 14 | Richard II. | Thomas de Woodstock, Duke of Gloucester |
| 1436 | 14 | Henry VI. | John, Duke of Bedford |
| 1459 | 38 | ,, | John Tiptoft, Earl of Worcester |

| A.D. | | | |
|---|---|---|---|
| 1466 | 6 | Edward IV. | Richard Neville, Earl of Warwick |
| 1612 | 9 | James I. | Henry, Earl of Pembroke |
| 1632 | 10 | Charles I. | Philip ,, |
| 1660 | 1 | Charles II. | Henry Lord Herbert of Raglan, Duke of Beaufort |
| 1700 | 5 | Queen Anne | Charles, Earl of Berkeley |
| 1706 | 9 | ,, | James ,, |
| 1736 | 8 | George II. | Augustus, ,, |
| 1755 | 27 | ,, | Norborne Berkeley, Lord Bottetourt |
| 1760 | 1 | George III. | Frederick Augustus, Earl of Berkeley |
| 1814 | 54 | ,, | Henry Somerset, Duke of Beaufort |
| 1838 | 2 | Victoria | The Chief Commissioner of Woods and Forests |

. . . . . .

"During the long reign of Henry III. pasturage was granted to the men of Rodley, who also in common with the king's people might hunt the boar. Commonage was likewise given to the Abbot of Flaxley. The bailiwick of Dean Magna was granted to Walter Wither. The men of Awre were allowed, by custom, pasturage in the forest; those of Rodley, estover, dead and dry wood, with pannage and food for cattle as well.

"In A.D. 1282, the twelfth year of Edward I., a formal perambulation of the forest was made, and the boundaries were then precisely those which we have already described, although there seem to have been some few freehold properties within the bounds. About this date the Abbot of Gloucester purchased 36 acres of land in Hope Maloysell, held by Gilbert and Julian Lepiatte, receiving also the gift of all the lands of Thomas Dunn in the same parish. The most ancient of the justice seats for these parts sat the same year at Gloucester Castle. By its proceedings we learn that upwards of 72 "*Forgeæ errantes*," or movable forges, were found here; that the Crown licensed them at the rate of 7s. a year; that a miner received one penny or the worth of it in iron ore, for each load brought to any of the king's ironworks, but if conveyed out of the forest the penny was paid to the Crown, and that in those cases where a forge was farmed 46s. was charged. No less than 59 mines were let at this time to Henry de Chaworth, who had besides forges at work in the forest.

"In this reign, probably at the time of this first perambulation (inasmuch as the bounds assigned to the forest in the document * we are referring to were those known to have prevailed at that time, but to have been considerably diminished soon afterwards), the king confirmed the charters and privileges of the foresters, which were even then regarded as ancient:—'Bee it in minde and remembrance what y^e^ customs and franchises hath been that were granted tyme out of minde, and after in tyme of the excellent and redoubted Prince, King Edward, unto the miners of the Forrest of Deane, and the Castle of St Briavells.'

"Any free forester might, with the approval of the king's gaveller, dig for iron ore or coal where he pleased, and have right of way for carrying it, a third part of the profits going to the king, whose gaveller called at the works every Tuesday, 'between mattens and masse.' Timber was allowed for the use of the works above and below ground.

"The same document alludes to 'the Court of the Wood' at the 'Speech' (the Speech-house on the hill in the King's Walk) before the verderers, and also to the court for debtors at St Briavell's Castle, and the Mine Court held by the Constable, Clerk, and Gaveller, and a jury of miners.

"The forest oath was taken by 'swearing upon a stick of holly,' and no stranger or professional advocate could plead in the forest courts:—'And there the debtor, before the Constable and his Clarke, the Gaveller, and the miners, and none other folke to plead right, but onely the miners shall bee there, and hold a sticke of holly, and then the said myner demanding the debt shall putt his hand upon the sticke, and none others with him, and shall sweare.'†

---

* The document referred to is "The Miners' Laws and Privileges," published 1687.

† Extract from "The Book of Dennis."

"A record of the perambulation made in 1302 is preserved in the Tower of London, by which it appears that the forest had shrunk into very much narrower limits, which no longer extended from Chepstow by Monmouth to Ross, and from Beachley by Gloucester to Newent, but had retreated on the north to somewhere about the line of hills from Churcham by Blaisdon Edge, Huntly Hill, Longhope and May Hill to Lea, with a still greater shrinkage on both the south and west, the towns and villages of Hewelsfield, Alvington, Ailberton, Lydney, Purton, Box, Rodley, Westbury, Blaisdon, Huntley, Longhope, Newent, Tayton, Tibberton, Highnam, Churcham, and Bulley being no longer included (as they had been) within the bounds.

"About this time the question was raised as to the Crown possessing the right of conferring the tithes of the 'assarted' forest lands, not being within the bounds of any of the adjacent churches, and decided in the affirmative; the king, exercising his right, bestowed the tithes upon the Church of Newlands.

"In the years 1310, 1311, 1351, 1319, and 1355 the foresters were summoned to furnish a quota of miners and archers for the sieges of Berwick; the unfortunate border town changed owners no less than sixteen times between 1174 and 1482. On one occasion 96 men went up to do military service; on another 200 were ordered to Northallerton, and '20 *of the strongest miners in the bailiwick of St Briavells*' to Newcastle-upon-Tyne. John de Abbenhall held his bailiwick by the service of guarding it with bows and arrows.

"In 1333 Parliament confirmed the perambulations of 26 and 28 Edward I., which reduced the forest to the limits which, with some slight exceptions, remained in force till within the last fifty years. At this time the forest was farmed to one Guy de Brien, and the pay of the warden was one hundred shillings a year.

"In 1450 the king's lands, manors, castles, and other possessions therein were granted to Henry, Duke of

Warwick, for £100 annual rental. The singular perquisite of a bushel of coal, worth twenty pence, from each pit at the end of every six weeks, was now attached to the office of 'Capital Forester of all the Foresters.'

"After the battle of Edgecote, 26th July 1469, Earl Rivers (the father of Elizabeth Woodville, recently married by Edward IV., to the great offence of most of his subjects) and his son, Sir John Woodville, fled hither, but were captured and carried to Northampton and executed.

"Edward VI. farmed the forest to Sir Anthony Kingston.

"In 1612 the Earl of Pembroke received a grant, entitling him to cut 12,000 cords of wood yearly, for twenty-one years, at 4s per cord, and the lordship of the whole Forest of Dean, with the Castle of St Briavels, &c., for forty years, at the yearly rent of £83 18s. 4d.

"In 1613 an order dated 28th January was made, limiting the privileges of foresters to dig for ore, and they were henceforth 'out of charity and grace, and not of right,' to dig for mine, ore, and cinders; the latter were the ashes or refuse left by a former race of iron manufacturers, whose skill was too limited to effect more than the separation of a portion of the metal, but which the improved methods beginning to be introduced turned to good account."

St Briavells, of which mention has been made, was built for the residence and defence of some of the lords-marchers. St Briavells, formerly a place of some importance, is now a village. Its inhabitants enjoyed some singular immunities, which are now obsolete; but they have still a right of common in Hudknoll's Wood, a tract of land on the banks of the Wye seven miles long. They are supposed to enjoy the privilege through the performance of a strange ceremony on Whitsunday. Each inhabitant pays twopence to the churchwardens, who buy bread and cheese with the fund, which they cut into small pieces, and distribute to the congregation immediately after the service is ended, in the midst of a general

scramble.* They are also allowed to cut wood, but not timber, in any part of the forest. It is said that a Countess of Hereford procured for them their privileges by the performance of a feat similar to that of Lady Godiva.

"Camden informs us that the destruction of the Forest of Dean was prescribed in one of the instructions given to the Spanish Armada. Evelyn also relates a fact not very unlike that mentioned by Camden. An ambassador, he says, in the reign of Elizabeth, was purposely sent from Spain to procure the destruction, either by negotiation or treachery, of the oaks growing in it. The same author, in his *Sylva,* states that a dreadful hurricane occurred in his time which caused great devastation among the trees, 'subverting many thousands of goodly oaks, prostrating the trees, laying them in ghastly postures, like whole regiments fallen in battle by the sword of the conquerer, and crushing all that grew beneath them. The public accounts,' he adds, 'reckon no less than three thousand brave oaks, in one part only of the forest blown down.'

"The population of the Forest of Dean is about eight thousand, and is almost entirely composed of free miners. They are a fine, athletic, independent race of men, fond of boasting that the produce of their own county is sufficient for all their wants, without being obliged to any other part of the kindgom. Their chief employment is mining, in the exercise of which they could formerly earn more money than any common labourers in England besides. They have a proverb amongst them, which is their favourite saying—'Happy is the eye betwixt the Severn and the Wye.'"

The salary of the constable of St Briavells, in the reign of Edward VI., was £9 8s 1d per annum, and that of the keeper, ranger, and beadle, £9 2s 6d each. "The govern-

* At Twickenham and Paddington, and other parishes, it was formerly the custom to throw bread from the church-steeple to be scrambled for. It is supposed that the custom was derived from largesses bestowed on the poor by the Romish clergy on occasion of the festival, and that it has been continued since the Reformation; and therefore, since the institution of poor-rates, without due regard to its original object

ment of the Forest of Dean is vested in a lord warden, who is constable of the Castle of St Briavells, six deputy-wardens, four verderers chosen by the freeholders, a conservator, seven wood-wards, a chief-forester in fee, and bow-bearer; eight foresters in fee, a gaveller, and a steward of the swanimote. The forest is divided into six walks; and these officers are empowered to hold a court of attachment every forty days, a court of swanimote three times in the year, and another court, called the justice-seat, once in three years. These courts are held at the Queen's Lodge, or Speech House, situated nearly in the centre of the forest. The whole forest is extra-parochial, and its inhabitants are exempted from rates and taxes, have free liberty of pasturage, the privilege of sinking mines, and access to the woods and timber for their works. 150 years ago the six lodges erected for the keepers were the only houses in the forest; now the number amounts to nearly 1500.

In Dean Forest the devastation has been reckless and wanton, and, latterly, this has been continued through the demand of the miners' industry of the locality; but here we have to do only with the olden forms of this.

It greatly abounds in coal and iron-ore; and iron appears to have been wrought there both by the ancient Britons and Romans. In the time of Edward I. there were seventy-two furnaces in this forest for melting iron; and it is related that the miners of those days were very industrious in seeking after the beds of cinders where the Romans of Britain had been at work before them, which remains, when burnt over again, were supposed to make the best iron. The following historical facts relative to the forest are worth recording:

"Henry I. gave the tithes of all venison in the Forest of Dean to the Abbey of Gloucester.

"Henry II. gave to the Abbot of Flaxley for his forge two oaks every week. Wood was plentiful then, and monks were bold.

"A forge was granted to Roger de Lacey in the reign

of Henry III.; and the same king made an order that none should have an iron forge in the forest without a special license from the king."

It was in 1069 that William the Conqueror was hunting in the Forest of Dean, when he received the first news of an attack on the city of York by a Danish army, assisted by the men of Yorkshire and Northumberland, in which three thousand Normans had been killed. No sooner had he learned the catastrophe, than he swore, 'by the splendour of the Almighty,' his favourite oath, that he would utterly exterminate the Northumbrian people, nor ever lay his lance in rest, when he had once taken it up, until he had done the deed. This fearful vow he carried into effect. A havoc more complete and diabolical was never perpetrated; it overpowered men's minds with a wild horror and wonderment. William of Malmesbury, who wrote about eighty years after, says, 'From York to Durham not an inhabited village remained. Fire, slaughter, and desolation made a vast wilderness there, which continues to this day.' Orderic Vitalis says, that more than a hundred thousand victims perished.

## D.—*The New Forest.*

From the preceding accounts of different Forests, it may be gathered that with the specific application made of the old English term *forest*, to a royal hunting-ground of great extent—a use not unknown in the use made of the corresponding term in other languages of Europe, but different from the use generally made of the term at the present day—a *forest* may present a very different aspect from such extended stretches of woodland, almost entirely covered with trees, as are met with on the Jura ridge, between France and Switzerland, on the Suabian Alps, upon the Upper Rhine, upon the Hartz Mountains in Germany, and in the more northern regions of Scandinavia, Finland and Russia.

England may be described as a richly wooded country; but what are seen everywhere are private woods and plantations of limited extent, of great beauty, and widely diffused. And like unto these are the Crown forests, whatever may have been their condition a thousand years ago, when not only they, but much, if not all, of the land besides was much more densely wooded than now.

Most of the *forests* enumerated by Manwood have entirely disappeared without leaving behind either historical or arboreal remains to tell of what they were. But with some —as is the case with Sherwood Forest—it is otherwise; and thus is it with what was at first called the New Forest, and is called so still, though it has existed from the times of William the Conqueror, which may now be considered somewhat remote. And it has associated with it tales not inferior in interest, though it may be inferior in romance, to those associated with the old Forest of Sherwood.

Blount tells us "that the New Forest was raised by the destruction of 22 parish churches, and many villages, and chapels, and manors, for the space of 30 miles together." And he alleges that this "was attended with divers judgments on the posterity of William I., who erected it: for William Rufus was there shot with an arrow, and before him, Richard, the brother of Henry I.; and Henry, nephew to Robert, the eldest son of the Conqueror, did hang by the hair of his head in the boughs of the forest like unto Absalom."

Of the New Forest, an anonymous writer, whom I have had frequent occasion to cite, says:—"Some writers will not allow any charge of cruelty to be brought against William the Conqueror for his conduct in making the New Forest. According to them it was made, not so much from the desire of hunting, as from state policy The forest, extending over the south-western part of Hampshire down to the sea, might be regarded, say these writers, as a great place of secret rendezvous for the troops of the Conqueror, should he meditate any atttack on France, or in the event of any serious insurrection

among his English subjects, who were sullen and unruly under the Norman sway. This opinion, however, seems to be ill-founded, for neither William nor his successors gave the slightest indication of an intention to use the forest for military purposes; and the conjecture seems to have arisen among those who wished to give the Conqueror a good name and conceal his cruelties, or those who, as Rapin observes, think that so politic a prince as William could do nothing without a political end.

"It is certain, however, that William seized an immense tract of land, which he cleared and converted into a forest, and which in course of time became extended so that it was bounded by Southampton Water on the east, by the Avon on the west, and on the south by the channel of the Isle of Wight as far as the Needles.

"The New Forest at present contains about 66,291 acres, and extends over a district of 20 miles from north-east to south-west, and about 15 miles from east to west. It consists chiefly of open and enclosed woodland, heath, bog, and rough pasture. 6000 acres are enclosed expressly for the growth of timber, and about 2000 acres for other purposes; so that more than 48,000 acres consist of land enclosed merely against forest cattle, but not against deer. These 6000 acres are not all in one place, but scattered over the forest; the largest enclosure does not exceed 500 acres, and their total number is from 40 to 50. All this district is subject to the forest laws; but besides the above 66,000 acres, there are, within the purlieus of the forest, 26,073 acres of freehold property, acquired at various times, which are not subject to forest law, and whose proprietors claim certain rights and privileges in the forest itself.

"This wide expanse—before called Ytene, or Ytchtene, a name yet partially preserved—was to some extent inhabited, and fit for the purposes of the chase, abounding in sylvan spots and coverts; but it also included many fertile and cultivated manors, which William caused to be totally absorbed in the surrounding wilderness, and many

towns and villages, with no fewer than thirty-six parish churches. The towns, villages, and ancestrial halls were all demolished, and the people driven away:

> 'The fields are ravish'd from the industrious swains,
> From men their cities, and from gods their fanes;
> The levell'd towns with weeds lie covered o'er;
> The hollow winds through naked temples roar;
> Round broken columns clasping ivy twined;
> O'er heaps of ruins stalk'd the stately hind;
> The fox obscene to gaping tombs retires,
> And savage howlings fill the sacred quires.' *

"No compensation was made. According to Domesday-book, 108 places, manors, villages, or hamlets, suffered in a greater or less degree. The traditional names of places still used by the foresters—such as 'Church Place, 'Church Moor,' 'Thomson's Castle'—seem to mark the now solitary spots as the sites of ancient buildings where the English people worshipped their God, and dwelt in peace, ere they were ruthlessly swept away by the Norman. The late Mr W. S. Rose, who had long held the office of bow-bearer for the New Forest, was of opinion that the termination of *ham* and *ton*, yet annexed to some woodlands, might be taken as evidence of the former existence of hamlets and towns in the forest.

"The historians who lived about the period are not sparing in their denunciation of the arbitary conduct of William and the cruel nature of his forest laws.

"Henry of Huntingdon says of William, 'If any one killed a stag or a wild boar, his eyes were put out, and no one presumed to complain. But beasts of chase he cherished as if they were his children (an expression used by other chroniclers); so that to form the hunting-ground of the New Forest, he caused churches and villages to be destroyed, and driving out the people, made it a habitation for deer.' And Hollinshed says, in his quaint old way, 'The people sore bewailed their distres, and greatlie

* Pope's Windsor Forest.

lamented that they must thus leave house and home to the use of savage beasts; which crueltie not onely mortall men living here on earth, but also the earth itselfe, might seeme to detest, as by a wonderful signification it seemed to declare by the shaking and roaring of the same, which chanced about the fourteenthe yeare of his reign, as writers have recorded.'

"On account of the great crimes and cruelties which William committed in forming this hunting-ground, it was the universal belief of the people that God would make the New Forest the death-scene of certain of the Norman king's own relatives or descendants.

"The first of the Conqueror's blood who met with his death in the New Forest was Richard, his second son in order of birth, but whom some make illegitimate. He was gored to death by a stag as he was hunting. 'The judgment of God,' say the old English annalists, 'punished him in his father's dispeopling of that country.' The next was William Rufus."

Of the circumstances connected with the death of William Rufus, a graphic account is given in the chronicle of William of Malmsbury, who was born about 1090 and died 1143, and who must therefore have been alive at the time (1100) that it occurred. It pertains not to my design to quote his details. Let it suffice that I state that a stone was erected long afterwards on the spot on which it is alleged that Rufus fell, with the following inscription commemorative of the fact:—

"1. Here stood the oak on which an arrow shot by Sir Walter Tyrrell at a stag glanced and struck King William the Second, surnamed Rufus, in the breast, of which he instantly died, on the 2d August, A.D. 1100.

"2. King William the Second, surnamed Rufus, being slain, as is before related, was laid in a cart belonging to one Purkess, and drawn from hence to Winchester, and was buried in the cathedral church of that city.

"3. A.D. 1745. That the place where an event so

memorable had happened might not be hereafter unknown, this stone was set up by Lord John Delawar, who has seen the tree growing in this place."

There is an old tradition in the forest that the body of William was found by a poor charcoal-burner named Purkess, living in a miserable hut in the forest, and that he placed it on such a rude cart as was then in use in those days and took it to Winchester. As a reward he received a grant of a few acres of land around his house or hut. His descendants remained in possession of this little property until a few years ago, never rising above the possession of a horse and cart. In the hut a piece of wood was preserved, said, with the most glaring shew of improbability, to be part of one of the wheels of the cart that conveyed the royal body. When George III. visited the forest he wanted to see this relic; but he was told it was lost; the probability being that the keeper of the hut had some scruple of conscience about deceiving the king.

The ancient boundaries of the New Forest included the whole of that part of Hampstead which lies between Southampton Water on the east, the British Channel on the south, and the River Avon on the west. By a perambulation on the 22d of Charles II. it was ascertained that it extended from Godshill on the north-west to the sea, on the south-east, about 20 miles; and from Hardley on the east to Ringwood on the west, about 15 miles, containing within these limits 92,362 acres: of these 24,797 belong to individuals; 901 acres are encroachments; 1192 are enclosed land in the possession of the master, keepers, &c., and the remainder, being about 63,845 acres, constitute the woods and waste lands of the forest.

There are within the precincts of the forest buildings famous in their day, and famous still: amongst others Beaulieu Abbey, Netley Abbey, and Hurst Castle, and each of these has its traditions if not its history.

The most important character of a forest is, as has been

intimated, the provision contained in it for the semi-barbarous amusements of the chase.

"The New Forest has always been celebrated for its deer, both stag and fallow deer, with which it once became so overstocked, that in the year 1787 upwards of three hundred of them are said to have died in one 'walk' alone. The right of deer-shooting is now confined to the Lord Warden and those appointed by him; and the annual supply required by that officer is sixty-four brace; a few of which are sent to her majesty's currier and the great officers of the crown, and the rest are distributed amongst those persons to whom old customs have assigned them.

"The deer commit great depredations on the corn lands of the borderers upon the New Forest. When these animals have gotten a haunt of the corn-lands, the owners of them are often obliged to burn fires all night for the purpose of driving them away.

"Several methods are practised by the poachers for catching the deer: one common way is to bait a hook with an apple, and hang it from the bough of a tree.

"In the vicinity of Hounds'-doon two posts have been fixed at the distance of eighteen yards from each other, to commemorate the leap of a stag, who, after receiving a keeper's shot, collected its dying energies in a bound that cleared that enormous space."

In addition to those nimble denizens of the forest—these "native burghers of the wood"—we have the horse, returned almost to a state of nature. The Rev. W. Gilpin, in his *Forest Scenery*, supposes that the peculiar breed of half-wild horses with which this forest abounds are a race descended from the Spanish jennets driven ashore on the coast of Hampshire in the dispersion of the Spanish Armada.

"The New Forest horses are not bred for size, symmetry, or any other particular character, but are left, as we may say, to the general development of all the properties of the

horse—good or bad, as man may esteem them. These horses belong to the borderers on the forest, who have rights of pasturage, or to the cottager. Until they are fit for the market the New Forest horses are left to shift for themselves as they best can; and though they are somebody's property, they are not property which is cherished or decently protected. In summer they show that instinct upon which the domestication of the horse depends, by associating together in considerable herds; and as they are tolerably well fed and correspondingly frisky at this season, the sight of them scampering about through the forest, with a freedom and glee quite unknown among home-bred horses, is exceedingly pleasing. In winter, the scantiness of the pasture forces them to break up their associations, and they live dispersedly, generally in the cover of trees adding the withered leaves, especially the beech, to the other produce of the soil; and at this season of the year they are very shaggy in their appearance, though the cleanness of their limbs and the fleetness of their movements are not a jot abated. In the humid parts of the forest they often suffer severely when the winter is peculiarly inclement, because the withered grass is flooded, and the frost seals it up under a coating of ice; but when they can find their way to the elevated and dry moors, upon which no trees will grow, they find a winter's repast in the furze, with which these are covered in all situations where the soil is of a quality superior to the crag-sand.

"When these forest horses are allowed to run wild till they are about seven or eight years old, their constitutions are fully established, and they can undergo much and severe labour, far beyond the ordinary age of artificially-reared horses. It is true they are difficult to train; but when they are once trained, they are exceeding valuable—hardy, swift, sure-footed, and seldom, if ever, subject to disease. In their manners they bear some resemblance to the wild horses of South America, as described by Sir Francis Head. The foresters who are employed in capturing them sometimes attempt to take them with a noose

something after the manner of the guachos; but their noose and their mode of using it are very clumsy and bungling compared with the American lasso." *

The forest borderers have a right to feed their hogs in the forest during the *pannage month*, which commences about the end of September, and lasts six weeks.† The swineherd, who generally takes charge of a drove of five or six hundred hogs at once, by feeding them in the first instance to the sound of a horn, can always collect them afterwards and prevent their straying by means of the same rude music. Droves of these most inharmonious animals are most frequently encountered in Bolderwood Walk, on account of the profusion of its beech-mast.

Besides those 'seasonal' hogs, there are wild hogs. The *true* New Forest breed of hogs may be said to be peculiar, and not known, at least generally, even in the adjoining parts of the southern counties. The usual account of these peculiar hogs, which are found only in the uninhabited and thickly-wooded districts of the forest, is, that they are a 'cross' from the wild boar of Germany, imported into this forest by Charles I.‡ Their colour is generally dark brindled, and sometimes entirely black. Their ears are short, firm, and erect; and when they are excited, there is a fiery glance or glare in the eye. They are social animals, and are generally seen in small herds, led on by one patriarchal male. In their peregrinations of the forest they do little mischief, and appear to fear as little. Their number is now much more scanty than it once was.

The following graphic account of the swine-herds of the New Forest is given by the Rev. Mr Gilpin, who spent the latter part of his life in the town of Boldre, in the New Forest, where he died in 1804 at the age of four-

---

* Martin's History of the Horse.

† The right of fattening hogs in this and the other royal forests is very ancient, certainly anterior to the time of the conquest, but how long anterior we have not the means of ascertaining. The borderers pay a trifle to the steward's court at Lyndhurst.

‡ The king's experiment of restoring the hunting of the noble game—the wild boar—was defeated by the wars which broke out between him and the people.

score; and who published not a few most graphic sketches of the forest scenery.

"These woods afford excellent feeding for hogs, which are led in the autumn season into many parts of the forest, but especially among the oaks and beeches of Soldre Wood to fatten on mast. It is among the rights of the forest-verderers to feed their hogs in the forest during the pasturage month, as it is called, which commences about the end of September, and lasts six weeks. For this privilege they pay a trifling acknowledgment to the Steward's Court at Lyndhurst. The word pannage was the old term for the money thus collected.

"The method of treating hogs at this season of migration, and of reducing a large herd of these unmanageable brutes to perfect obedience and good government, is curious.

"The first step the swineherd takes is to investigate some close sheltered part of the forest, where there is a conveniency of water, and plenty of oak or beech-mast, the former of which he prefers when he can have it in abundance. He fixes next on some spreading tree, round the bole of which he wattles a slight circular fence of the dimensions he wants, and covering it roughly with boughs and sods, he fills it plentifully with straw or fern.

Having made this preparation, he collects his colony among the farmers, with whom he commonly agrees for a shilling a head, and will get together perhaps a herd of five or six hundred hogs. Having driven them to their destined habitation, he gives them a plentiful supper of acorns and beech-mast, which he had already provided, sounding his horn during the repast. He then turns them into the litter, where, after a long journey and a hearty meal, they sleep deliciously.

The next morning he lets them look a little around them—shews them the pool or stream where they may occasionally drink—leaves them to pick up the offals of the last night's meal, and as evening draws on gives them another plentiful repast under the neighbouring trees,

which rain acorns upon them for an hour together, at the sound of his horn. He then sends them again to sleep.

"The following day he is perhaps at the pains of procuring them another meal, with music played as usual. He then leaves them a little more by themselves, having an eye, however, on them in the evening hours. But as their bellies are full, they seldom wander far from home, retiring commonly very orderly and early to bed.

"After this he throws his sty open, and leaves them to cater for themselves; and from henceforth he has little trouble with them during the whole time of their migration. Now and then, in calm weather—when mast falls sparingly—he calls them together, perhaps by the music of his horn, to a gratuitous meal, but in general they need little attention, returning regularly home at night, though they often wander in the day two and three miles from their sty. There are experienced leaders in all herds, which have spent this roving life before, and can instruct their juniors in the method of it.

"I would not, however, have it supposed that all the swineherds in the forest manage their colonies with this exactness. Bad governments and bad governors will everywhere exist, but I mention this as an example of sound policy—not as a mere Platonic or Utopian scheme, but such as hath been often realized, and as often hath been found productive of good order and public utility. The hog is commonly supposed to be an obstinate, headstrong, unmanageable brute; and he may perhaps have a degree of positiveness in his temper. In general, however, if he is properly managed, he is an orderly docile animal. The only difficulty is to make your meanings, when they are fair and friendly, intelligible to him. Effect this, and you may lead him with a straw.

"Nor is he without his social feelings when he is at liberty to indulge them. In his first migrations it is commonly observed that of whatever number the flock consists, they naturally separate in their daily excursions into such little knots and societies as have formerly had habits of

intimacy together, and in these friendly groups they range the forest, returning home at night, but in different parties, some earlier and some later, as they may have been more or less fortunate in the pursuits of the day.

"It sounds oddly to affirm the life of a hog to be enviable; and yet there is something uncommonly pleasing in the lives of these immigrants, something at least more desirable than is to be found in the life of a hog, *Epicuri de grege;* they seem themselves also to enjoy their mode of life as one to them perfectly happy, going about at their ease, and conversing with each other in short, pithy, interrupted sentences, which are no doubt expressive of their own enjoyment and their social feelings.

"Besides the hogs thus led out in the mast season to fatten, there are others, the property of forest-keepers, which spend the whole year in such societies. When the mast season is over, the indigeneous forest hog depends chiefly for his livelihood on the roots of ferns, and he would find this food very nourishing if he could have it in abundance; but he is obliged to procure it by so laborious an operation that his meals are rarely accompanied with satiety. He continues, however, by great industry, to obtain a tolerable subsistance throughout the winter, except in frosty weather, when the ground resists his delving snout. Then he must perish, if he do not in some degree experience his master's care. As spring advances, fresh grasses and salads of different kinds add a variety to his bill of fare; and as summer comes on he finds juicy berries and grateful seeds, on which he lives plentifully, till autumn returning brings with it the extreme of abundance.

"Besides these stationary hogs, there are others in some of the more desolate parts of the forest which are bred wild, and left to themselves, without any settled habitation; and as their owners are at no expense either in feeding or tending them, they are content with the precarious profit of such as they are able to retain." He adds:—

"Charles I., I have heard, was at the expense of pro-

curing the wild boar and his mate from the forests of Germany, which once certainly inhabited the forests of England. I have heard that they propagated greatly in New Forest; certain it is there is found in it at this day a breed of hogs, commonly called forest hogs, which are very different from the usual Hampshire breed, which have about them several of the characteristics of the wild boar."

To the lover of birds, whether as a sportsman or a naturalist, the New Forest is a district of great interest: for, in consequence of the diversity in the surface and the vegetation, the note of every bird may be heard, from the piteous note of the twite—the appropriate bird of desolation — to the murmuring of the ring-dove, 'in shadiest covert hid.' The moorland places are not sufficiently elevated for any of the species of grouse, but the whistle of the plover greets one immediately after quitting the lonely habitation of the twite; and then, as one approaches the mossy bottom, of which there are several in the forest, the lapwing alternately tumbles along the earth and twitches through the air, to decoy the passenger from the habitation of its young. Some of these birds, which are migrant in other parts of Britain, are resident summer and winter within the natural district of the New Forest.

The winter visitants, the survivors of all dimensions and from all parts of the northern regions, are also plentiful, when the winter seals up the waters, and drives them from their native north. Some species which are rare even in Scotland are found more plentifully here.

By an Act of Parliament, passed in 1857, the right of the Crown to keep deer in the New Forest was extinguished, and compensation in lieu thereof was given. But more important than the forest pastoral industry, so pleasingly described by Gilpin, and more important than the maintenance of game, is the production of timber.

The Act provides that the deer are to be removed within two years; and that the right to keep deer in the said forest to cease. In lieu of such right Her Majesty is empowered to enclose not exceeding 10,000 acres. in addition to the 6000 acres already enclosed; which enclosures are to remain in severalty in possession of the crown freed from right of common and other rights. When the trees within the enclosures are past danger of browsing of cattle, or other prejudice, such enclosures to be thrown open, and new enclosures to be made in lieu therof. The expenses of the enclosures are to be defrayed by sale of decayed or other trees (not being ship-timber).

"All her majesty's rights are preserved, save as regards the keeping of deer.

"The Commissioners of Woods and Forests have power to lease parts of the New Forest; and her majesty may grant licenses to sport over it

Of the arboreal condition of this forest, we are supplied with the following account by Mr A. C. Bishop, in a paper in the *Journal of Forestry* (vol. v., p. 187-192), entitled "The Ancient Forests of Hants." He writes:—

"'There has been a time when Britain was well-nigh covered with forests, and was without human inhabitants. The elk, the bison, and the wild horse roamed in droves over the land; the beaver built in the rivers and fens; herds of elephants pastured in the Oxford woods; the bear and the wolf, even the tiger and hyæna, lurked in the caves of Devonshire, or infested the Yorkshire wolds; the whale gambolled in the waters of the Forth.'

"Such are the opening words of a history which has done much to place before us a vivid and an accurate picture of our country in its oldest times. The description suits on more than one point the southern county which is the subject of the present paper. Its state, at the time of the first Roman invasion, was, with the exception of the downs, one of almost continuous wood. On the thin soil of those wind-swept heights there are no vestiges of former forests.

The soft verdure of the Southdown Hills may be in part derived from the flocks which pasture them, and the sheep must have followed horned cattle after a long interval, implying a country at all events partially cleared, and a state of protection and peace. But though the grass may have been coarser which first covered them, it appears to have been their only growth. The ancient Briton, when he became advanced enough to domesticate cattle, may have used such spots for their pasture as well as for his own summer home. But the ordinary hills and the plains and valleys of Hampshire were one great wood; even in the days of the Saxons the Andred Weald is known to have extended through three counties, with a length of more than 120 miles, and a breadth of 30. The Norman invaders found the country still densely wooded.

"In a list of the Ancient Forests of England, given in Mr Pearson's Historical Maps, the woods of Hampshire appear to outnumber those of any other county. They may be considerably diminished in extent, but most of them exist to this day. Lyss Wood, near Petersfield; Axiholt (the modern Alice Holt), and Wulvemere (Woolmer) perhaps were as truly portions of one and the same great forest as Durley and Wigley, Rumberge and Bremblewood, Knightwood and Ringwood, were but divisions of the New Forest. Beyond Alton came the woods of Odiham, Pamber, near 'the Vine,' Freemantle, in Kingsclere hundred, and the Fecceswudu and Tadley Wood.

"Following to the south-west came Andover Forest and Buckholt adjoining; Wherwell, or Harewood, lay farther south, but at no great distance, towards Winchester.

"In the heart of the county were great woods about Avington; further to the south-east lay St. Clare's Wood, near Exton (the Wudu Œrscœ probably), and farther to the south still, the Forest of Bere.

"Kilmiston, or Homœres, or the Hormeswudu, is to be added to these, extending towards Bishop's Waltham on the south and northwards to Old Park and Cheriton Wood, the former a deer forest in the early Norman days, and

probably long before, with the "deer leap," still talked of on the Common outside the Covert.

"The whole south-western peninsula (if the reader will take the Avon for the western boundary of it), comprising more than 90,000 acres, was forest.

"Such was the state of Hants in the Norman days. I am aware that forest, in the language of the time, meant rather a Chase, a place excluded from cultivation (from the Latin 'foris,' outside), than necessarily a wooded place. In all probability the proportion of woodland in the New Forest to the barren moor, was not larger then than it is now. The greater part of the soil at present is as unsuited for timber as it is for pasture or corn, and for thousands of acres the bare heath has not a vestige of any former trees upon it. There is, however, little danger of exaggeration in saying that the Forests of Hants, as the early Norman sovereigns found them, covered a large proportion of the county; and as the Romans had found them, formed one great and almost impenetrable wood, a natural defence against the Gauls.

"It need not be supposed that the intervening period was insufficient for the partial clearing of these forests if they had been so extensive as we have suggested. The Andred Weald itself disappeared in the course of one century in the furnaces of the iron-smelter,* and earlier still, protecting laws and severe penalties showed that the denudation of the country of its wood was felt to be proceeding too rapidly. 'If any man burn a log in a wood, he must pay sixteen shillings,' say Ine's Laws, 'for fire is a thief.' No man by Canute's laws, might cut brushwood without permission in a King's forest, and there was a heavy fine of twenty shillings for the destruction of any tree 'that gave food to the beasts.'† We have only to look at the improvident haste with which vast woods are cleared away in modern colonies to see how soon the face of a country may be changed in this respect; and how

* Pearson's Historical Maps. † Same, page 50.

credible the legend is that the great wood of Hampage was felled by the Bishop of Winchester in the three days which were the limit of his leave,—the only tree that was spared being the Gospel Oak, a still surviving witness of the time and of the fact.

"It is essential to a just conception of the ancient forests of our land, that we should ascertain what were the trees which composed them. What were the indigenous trees of Britain? It is upon the character of these that our mental picture must depend. Were the forests an impenetrable bush? Or a collection of bare poles with all their foliage at the top, such as may be seen in some of the Colonies or in the United States of America? Or should we have a truer notion of them from that large tract so strangely called the New Forest still, though it is old enough to have a Latin name besides?

"The known native forest trees of England are singularly few. The oak, the birch, the wych elm, the willow, the alder, the ash, the maple, the aspen and the yew, almost complete the list of timber trees found here by the Romans. The Welsh name of the beech (fawydd) may easily be traced to the Latin *fagus;* Cæsar's statement (needlessly discredited) that this tree was not found in Britain is not likely to have rested on the very scanty opportunity he himself had of personal inspection. His words 'præter fagum et abietem' do not except the Scotch pine, but the silver fir. The lime and the beech were well and widely established here before the Norman period, but may both be set down to Roman introduction. The great Tortworth chestnut, so called in Stephen's reign, may be the oldest of deciduous trees in our land; but this it may be without being indigenous. We have more than one Lyndhurst, so named from the lime, but yet the lime did not exist in the ancient forests. Everything conspires to assign precedence to the oak—the earliest records, the testimony of nomenclature, scientific researches, the nature of the wood. In the vast bogs of Denmark, from which

have been lately taken more than a million of trees,* the succession of different kinds of indigenous trees is as distinctly marked as the successive periods of geological strata. Lowermost are found the Scotch fir; next, the oak; nearest to the surface, the beech. Each of these must have had its reign, and apparently an exclusive reign, and each in its turn may claim to have been indigenous. But in singling out the oak as especially the ancient British forest tree, there is also this to be said in justification; perhaps more than any other tree it will inhabit all soils; clay and gravel, sand or peat, chalk or limestone. Of course it has its preference, but any one may notice how the acorns shed from the trees standing in the rich strong soil of an old wood, find their way on to the adjacent heath or moor, and flourish with the invariable vigour of what is *naturally* planted.†

---

* See "Glances at the Forests of N. Europe," *Journal of Forestry*, vol. II. p. 247.

† Of the kinds of trees composing the ancient woods and forests of England, Marsh writes, in his work entitled "The Earth as Modified by Human Action":—"England was anciently remarkable for its forests, but Cæsar says it wanted the *fagus* and the *abies*. There can be no doubt that *fagus* means the beech, which, as the remains in the Danish peat-mosses show, is a tree of late introduction into Denmark, where it succeeded the fir, a tree not now native to that country. The succession of forest crops seems to have been the same in England; for Harrison, p. 359, speaks of the 'great store of firre' found lying 'at their whole lengths' in the 'fens and marises' of Lancashire and other counties, where not even bushes grew in his time We cannot be sure what species of evergreen Cæsar intended by *abies*. The popular designations of spike-leaved trees are always more vague and uncertain in their application than those of broad-leaved trees. *Pinus*, *pine*, has been very loosely employed even in botanical nomenclature, and *Kiefer*, *Fichte*, and *Tanne* are often confounded in German.—Rossmassler, *Der Wald*, pp. 256, 289, 324. A similar confusion in the names of this family of trees exists in India. Dr Cleghorn, Inspector-General of the Indian Forests, informs us in his official Circular No. 2, that the name of *deodar* is applied in some provinces to a cypress, in some to a cedar, and in others to a juniper. If it were certain that the *abies* of Cæsar was the fir formerly and still found in peat-mosses, and that he was right in denying the existence of the beech in England in his time, the observation would be very important, because it would fix a date at which the fir had become extinct, and the beech had not yet appeared in the island.

"The English oak, though strong and durable, was not considered generally suitable for finer work in the sixteenth century. There were, however, exceptions. 'Of all in Essex,' observes Harrison, *Holinshed*, i., p. 357, 'that growing in Bardfield parke is the finest for ioiners craft; for oftentimes haue I seene of their workes made of that oke so fine and faire, as most of the wainescot that is brought hither out of Danske [Danzig]; for our wainescot is not made in England. Yet diuerse haue assaied to deale with our okes to that end, but not with so good successe as they haue hoped, bicause the ab or iuice will not so soone be remoued and cleane drawne out, which some attribute to want of time in the salt water.'

"This passage is also of interest as showing that soaking in salt water, as a mode of seasoning, was practised in Harrison's time.

"But the importation of wainscot, or boards for ceiling, panelling, and otherwise finishing rooms, which was generally of oak, commenced at least three centuries before

"We shall probably be right, then, if we are guided by the traditional veneration for the oak which still pervades our land, and consider that the primæval forests of Britain were for the most part composed of this tree. If so, we must not imagine these great woods to have been an *impenetrable jungle*. What has taken place observably in the highland forests of native fir, took place, no doubt, in the oak forests of the south. Nature pruned and thinned as well as planted. The strongest plants among the self-sown oaks would domineer over the rest; the natural process of selection would go on, till all but one were stunted and destroyed within the circle of the champion's branches. What would eventually ensue would be rather a natural park than a tangled forest, with glades of light and verdure such as form the character of many parts of the New Forest now, the kings of the wood sweeping for themselves a privileged space around them, suited to their remote antiquity and regal nature. In these deep glades the wild deer could roam and pasture, the native Britons and their shaggy horses find a home; and in later times the outlaws of society live upon the spoils of the chase and the plunder of the infrequent traveller. Where Robin Hood and Little John could spend the less inclement months of the year, the rude native of earlier centuries might make his constant home and yet live out all his days; *neither* of them could have survived a single summer in a forest which admitted neither air nor light.

What game inhabited these wide-spread forests must be in some degree a matter of conjecture. Not to speak of the earliest times, when those creatures roamed the woods whose colossal bones are stored in many caves, now ran-

---

the time of Harrison. On page 204 of the *Liber Albus* mention is made of 'squared oak timber,' brought in from the country by carts, and of course of domestic growth, as free of city duty or octroi, and of 'planks of oak' coming in in the same way as paying one plank a cart-load. But in the chapter on the 'Customs of Billyngesgate,' pp. 208, 209, relating to goods imported from foreign countries, an import duty of one halfpenny is imposed on every hundred of boards called 'weynscotte'—a term formerly applied only to oak—and of one penny on every hundred of boards called 'Rygholt.' The editor explains 'Rygholt' as 'wood of Riga.' This was doubtless pine or fir. The year in which these provisions were made does not appear, but they belong to the reign of Henry III."—J. C. B.

sacked by the palæontologists of our day, and when man, if he were contemporary, must have rather been the prey than the pursuer, we may draw some fixed conclusions from the few and scattered notices which have come down to us on the subject; and we may assume, from the great virgin forests still existing, that there were no woods *then*, any more than *now*, without some living creatures to inhabit them, such as could find sustenance on the seeds and berries of the trees, or on the herbage of the ground around them. The hare must have been found at all periods in the woods of England; its great fecundity (notwithstanding its defenceless nature) has long been known. Æschylus calls it ερικυμονα φερτι, "extremely prolific." In early Britain, its life was guarded from its greatest enemy by superstition; "*leporem gustare fas non putant*," wrote Cæsar. The red and fallow deer were to be found, no doubt, in the woods; wild-fowl would circle above the waters, wherever the hindered rivers spread out into a sedgy lake; the badger and the fox had their earths, already subject to be disturbed by those who even then killed what they refused to eat. Perhaps the catalogue may be more questioned, when to these are added the birds which we are apt to associate in our minds with the civilization and luxury of only modern times; yet it is no less true that the partridge and the pheasant had found a home in this land at least as early as the Saxons, for a charter of the Confessor's enumerates the beasts of the chase as follows:—

> "Hart and hind, doe and buck,
> Hare and fox, cat and brock;
> Wild-fowl with his flock,
> Partridge, pheasant, hen and cock."*

"To this list of indisputable authority we may, without much misgiving, suggest that the bittern and the heron may be added; the woodcock and the snipe too would be

* Codex Dipl. 899, p. 4, Pearson's Maps.

found in this island when its state was more suitable to them than at any time since: and so our conclusion may be drawn that a thousand years ago those who felt the indefinable charm of capturing the wild creatures of the chase, would return from the swamp and from the forest with much the same rewards of their skill and toil as the sportsmen of to-day.

"The reader may miss from the list in King Edward's charter the proscribed wolf; but perhaps this may be taken as a sign that the price set upon his head in an earlier reign had exterminated him. We find his name at least in the Forest of Woolmer (Wulvemere); but a single specimen of the kind would have been as great a prodigy when Queen Anne made her royal progress across that forest, and had the five hundred red deer driven into sight, as such a herd now would be to the traveller on his way to Portsmouth.

"Many another of the names of the Hampshire woods survives the prevalence of the creature which originated it. Brockenhurst has ceased to be the haunt of the badgers; Hackwood is no longer distinguished for its hawks; Boarhunt is not now infested by the wild boar out of the Forest of Bere. The cry of a bird, all but lost to us, may no more be heard at Bitterne.* But does not the very choice of such names testify to that which has ever been a ruling characteristic of the inhabitants of this land, a passion for the sports of the field?"

Mr Gilpin, of whom it has been intimated that he had lived many years as a clergyman within the forest, gives the following graphic description of its scenery in his day:—

"On looking into a map of New Forest, and drawing an imaginary line from Ringwood on the Avon to Dibden on the bay of Southampton, the whole forest easily divides

* A bittern (one of a pair probably) was found close to a cottage called Stowchester in Woodmancote Holt in the year 1854, near a rushy pond. The bird drew persons from all quarters to hear its booming.

itself into four parts. That district which lies north of this imaginary line we may call one part; the river Avon and Lymington river mark the boundaries of a second; Lymington river and Beaulieu river of a third; and the country between this last river and the bay of Southampton may be considered as a fourth.

"When I spoke of forests in general as consisting of large tracts of heathy land and carpet-lawns interspersed with woods, I had a particular view to the scenery of New Forest, which is precisely of this kind. Its lawns and woods are every where divided by large districts of heath. Many of these woods have formerly been, as many of the heaths at present are, of vast extent, running several miles without interruption. Different parts too, both of the open and of the woody country, are so high as to command extensive distances, though no part can in any degree assume the title of mountainous.

"Along the banks of the Avon, from Ringwood to the sea, the whole surface is flat, enclosed, and cultivated. There is little beauty in this part. Eastward from Christchurch, along the coast as far as to the estuary of Lymington river, we have also a continued flat. Much heathy ground is interspersed, but no woody scenery, except in some narrow glen through which a rivulet happens to find its way to the sea. In two or three of these there is some beauty. Here the coast, which is exposed to the ocean, and formed by the violence of storms, is edged by a broken cliff, from which are presented grand sea-views, somtimes embellished with winding shores. As we leave the coast, and ascend more into the midland parts of this division, the scenery improves; the ground is more varied, woods and lawns are interspersed, and many of them are among the most beautiful exhibitions of this kind which the forest presents.

"In the next division, which is contained between the rivers of Lymington and Beaulieu, we have also great variety of beautiful country. The coast, indeed, is flat and unedged with cliff, as it lies opposite to the Isle of

Wight, which defends it from the violence of the ocean, but the views it presents are sometimes interesting. It is wooded in many parts almost to the water's edge; and the island appearing like a distant range of mountains, gives the channel the form of a grand lake. As we leave the sea the ground rises and the woods take more possession of it, especially along the banks of the two rivers just mentioned, which afford on each side for a considerable space many beautiful scenes. There are heathy grounds in this district also, but they occupy chiefly the middle parts between these two tracts of woodland.

"In that division of New Forest which is confined by Beaulieu river and the Bay of Southampton the midland parts are heathy as in the last, but the banks and vicinity, both of the river and the bay, are woody, and full of beautiful scenery. This division is perhaps, on the whole, the most interesting of the forest. For besides its woods, there is greater variety of ground than in any other part. Here also are more diversified water-views than are exhibited anywhere else. The views along the banks of Beaulieu river it has in common with the last division, but those over the Bay of Southampton are wholly its own. One disagreeable circumstance attends all the sea-views which are opposite to the Isle of Wight, and that is, the ooziness of the beach when the sea retires. A pebbly or sandy shore has as good an effect often when the sea ebbs as when it is full, sometimes perhaps a better, but an oozy one has an unpleasant hue. However, this shore is one of the best of the kind, for the ooze here is generally covered with green sea-weed, which, as the tide retires, gives it the appearance of level land deserted by the sea and turned into meadow. But these lands are meadows only in surface, for they have no pastoral accompaniments.

"The northern division of New Forest contains all those parts which lie north of Ringwood and Dibden. As this district is at a distance from the sea, and not intersected by any river which deserves more than the name of a brook, it is adorned by no water-views, except near Dib-

den, where the forest is bounded by the extremity of the Bay of Southampton. The want of water, however, is recompensed by grand woody scenes, in which this part of the forest equals, if not exceeds, any other part. In noble distances, also, it excels; for here the ground swells higher than in the more maritime parts, and the distances which these heights command consist often of vast extensive forest scenes.

"Besides the heaths, lawns, and woods, of which the forest is composed, there is another kind of surface found in many parts, which comes under none of these denominations, and that is the bog. Many parts of the forest abound in springs; and as these lands have ever been in a state of nature, and of course undrained, the moisture drains itself into the low grounds, where, as usual in other rude countries, it becomes soft and spongy, and generates bogs. These in some places are very extensive. In the road between Brokenhurst and Ringwood, at a place called Longslade-bottom, one of these bogs extends three miles without interruption, and is the common drain of all those parts of the forest. In landscape, indeed, the bog is of little prejudice; it has in general the appearance of common verdure. But the traveller must be on his guard; these tracts of deceitful ground are often dangerous to such as leave the beaten roads and traverse the paths of forest. A horse-track is not always a mark of security; it is perhaps only beaten by the little forest-horse, which will venture into a bog in quest of better herbage; and his lightness secures him in a place where a larger horse, under the weight of a rider, would flounder. If the traveller, therefore, meet with a horse-track pointing into a swamp, even though he should observe it to emerge on the other side, he had better relinquish it. The only track he can prudently follow is that of wheels."

It does not comport with my purpose to give details here of all the forests of England; nor does it comport with my purpose to give details here of the recent history

of the forests described. The details given are deemed sufficient to give a general idea of the forests, or royal hunting grounds of England; and this is all which it is sought to do here.

## Section II.—Chases.

In regard to forests, we have found it stated that, while a forest cannot be held by any but a Sovereign, a grant of one may, by a prescribed procedure, be made to a subject; but it, by this act, ceases to be a forest, and it is then designated a Chase, and it is not required that it should be kept surrounded by an enclosure. Chases and forests, however, have much besides in common. They are less frequently heard of than are forests, from the circumstance that they are private and not public possessions; but yet the designation chase comes up from time to time, more frequently perhaps in works of fiction than in works of history. Amongst these are Malvern Chase, Cannock Chase, and Hatfield Chase.

### A.—*Malvern Chase.*

In Malvern Chase we have a case of what was once a *forest*, in the legal and technical sense of the term, as this has been explained, being made a *chase*, by its being *disafforested* by Charles I. in A.D. 1632.

An interesting account of this Forest and Chase was published in 1877 by Mr Edwin Lees, F.L.S., F.G.S., Vice-President of the Malvern and Worcestershire Field Club; and an abridgement of this appeared in the *Journal of Forestry* (vol. v., pp. 537–554, 617–631). From this I cite the following details:—

"It is scarcely possible to form an adequate idea of the appearance of the Forest of Malvern in the early times prior to the Norman Conquest, but at that period the monkish chronicler, William of Malmesbury, mentions it

as 'a wilderness thick set with trees.' Previous to that time the whole country from the hills to the Severn must have been a waste tract, fit only for the lair of wolves, and other savage animals; and in places not covered by trees or underwood, except where a few bare eminences like the Wold Hills contrasted with the gloomy forest scene, was a flat marshy expanse with difficulty explorable by day, and a dangerous extent of immeasurable gloom at night. This tract of land west of the Severn was included in the country of the Silures, but it was probably only visited on hunting forays, for no traces have been discovered of any permanent occupation, and scarcely a single British implement has been anywhere exhumed, nor are memorial stones or sepulchral barrows to be found. Very few Celtic names remain in the district, and with the exception of Malvern, and perhaps Pendock, all the names of parishes are evidently of Saxon origin. Nor did the Romans mark their presence visibly in the flat country between the Malvern Hills and the Severn, for no decided Roman road crosses the Chase, nor have any Roman remains (a few coins excepted) been found in it except near Upton, where there seems to have been a camp, or secondary station, probably to guard the ford across the Severn; and another Roman or rather auxiliary camp existed at Kempsey, four miles below Worcester, but this was on the eastern bank of the river. The Saxons do not appear to have entirely conquered the country between the Severn and the Wye before the reign of Athelstan, and whether they did much more than divide the Chase into parishes does not clearly appear. Some grants of land were probably made by Saxon kings, and Edward the Confessor exercised that right; but the greater part of the Chase must have been unappropriated, and as forest ground was therefore seized upon by the Norman sovereigns.

"Tanner, alluding to the hermitage here in Edward the Confessor's reign, says it was 'in the wild forest;' and the hills and the country around their bases for many miles were generally termed a wilderness, and are so called by

William of Malmesbury. To what extent the Saxon monarchs claimed this tract of country does not clearly appear; but under William the Conqueror it was considered and held to be royal property, and so continued till it was granted by Edward I. to Gilbert de Clare, Earl of Gloucester, commonly called the Red Knight, on his marriage with Jean d' Acres, the king's daughter. Leland, who wrote *temp.* Henry VIII. says—'The Chase of Malverne is biggar than either Wire or Feckingham, and occupieth a great part of Malverne Hills. Great Malverne and Little Malverne also is set in the Chase of Malverne. Malverne Chase (as I hear say) is in length in some places twenty miles; but Malverne Chase doeth not occupy all Malverne Hills.' Other authors describe it as extending from the river Teme in the north to Cors Forest (now Corse Lawn) in the south, and from the river Severn on the east to the top of Malvern Hill westward. This last boundary was so indeterminate that the bishops of Hereford, who possessed lands at Mathon and Colwall, and who claimed the western side of the hills for their hunting-ground to the summit of the ridge, had a great dispute with the potent Red Earl, which it is said was only ended by a trench being dug along the crest of the hill to divide the possessions of the disputants. This trench still remains very clearly marked on the hills in several places, and is particularly evident on the Worcestershire Beacon.

"There is some confusion in writers on the history of the Chase of Malvern as to the occasion on which this trench was made, though it was clearly meant as a boundary line. Chambers (copying, I presume, from Dr Nash) states that the ditch was made to 'divide the possessions of the Bishop of Hereford from the Chase, and to limit the two counties.' This would obviously appear to be correct; but Dr. Thomas, whose version of the matter I have given further on, says that the trench had been made 'to the damage of the Church of Worcester, and hence the controversy' on the subject between the Red Earl and Bishop Godfrey Giffard.

"Dr. Thomas, I presume on documentary evidence, proceeds to give his account of the transaction as follows:—'On the eve of the Lady-Day, 1289-90, there was a court held by the king at Feckenham, and inquiries made throughout the whole county who had transgressed in hunting in that forest, and many were imprisoned, and others that were indicted for the same found six sureties for their appearance before the king at Wodestoke on the nones of April, to hear his sentence of mercy or judgment, and because there was no other equity but the king's will, the bishop's (of Worcester) redemption was taxed at 500 marks, and the prior's at 200. About this time he (Godfrey Giffard) had a controversy with Gilbert de Clare, Earl of Gloucester, and Jean his wife,' &c.

"Malvern Chase had its peculiar laws and customs, even after it became the property of a subject, and 'the foresters' had very considerable power within its limits, extending even to judicial functions. It is stated in documents given in the appendix to the Forests, in Nash's Worcestershire, that the foresters only had authority to arrest every felon for felony and murder 'found within the said Chase,' and they were to bring him before the chief forester, who held of the chief lord in fee by a certain rent of an axe and a horn; and he had power to sit in judgment on the said felonies and murders, as also to execute the office of coroner, and if the persons tried were found guilty by a verdict of twelve men thereupon charged and sworn, of the four next townships adjoining unto the place where the said felony and murder was done, his head was to be struck off with the forester's axe at a place called Sweet Oaks within the said Chase, where they always sat in judgment on such persons, and the body was to be carried unto the height of Malvern Hill unto a place called Baldeyate, and there to be hanged on a gallows, and so to remain, unless licence was granted by the chief forester to take it down. It does not appear that the 'chief forester' was bound to be learned in the law, and perhaps a poor fellow obnoxious to the chief or any other forester, if

'found within the said Chase,' might have had but scant justice allotted to him, and his head be placed in unpleasant proximity to the forester's axe.

"The lord of the lordship of Hanley was the chief lord of this Chase, and of all the royalties of it, and appointed the constable of the Castle of Hanley, the parker of Blackmore, the steward, the baliff, the master of the game, four foresters, and a ranger, to hold once in the year a lord day and a court baron; and every three weeks to determine all manner of pleas and trespasses, debts, or detainer, which exceeded not the value of forty shillings. To this court, besides the homage and customary tenants thereof, were 'free suitors,' the Abbot of Westminster, the Abbot of Pershore, the Prior of Much Malverne, the Prior of Little Malverne, the Lord Clifford for the lordship of Stoke-upon-Severn, the Lord of Madresfyeld, the Lord of Bromsberrow, and the Lord of Byrtes-Morton.

"Attached to the Chase were also certain verderers, viewers, and riders, which by their tenure and holding of land had power to ride and perambulate the ground, soil, and townships of every lord, from Charmey's Pool upon the south unto Powyke Bridge and Braunceford Bridge, to oversee the highways and watercourses, and to take care that the wood hedges adjoining to the Chase be lawfully made for the preservation of the deer. The viewers and riders were also to look to 'the hombling of the dogs,' and to have the oversight and correction thereof twice every seven years, and such manner of dogs as were found unlawful, that is to say, as could not be drawn through a certain sterop of eighteen inches and a barleycorn in length and breath compass, the farther joints of the two middle claws were to be cut clean away, and the master and owner of the dogs were to be amerced 3s. 1d.

"The chief forester, who was generally a gentleman of position, had various fees assigned to him, as 'crops of all the oaks,' any excess of 'the mast' in autumn beyond what was required for the commoners' pigs, the 'windfall wood,' the '3d penny of attachments made in the Chase,'

and the '3d penny of all felons' goods and forfeitures within the Chase.' Every commoner might fall 'what wood pleaseth him upon attachment,'—the attachment not to exceed the value of the wood, and the 'forester may lawfully follow the commoner with his wain unto his own house and attach him there; if he may come to put his bow betwixt the foremost oxen and the gate-post of his house.' The commoners and inhabitants in and about the Chase were to give notice to the foresters of any deer coming upon their premises, but they were on no account to kill, molest, or disturb them, under penalty of answering for the same at the Court of Hanley, with 'homble pie' in prospect. The commoners, however, were entitled to put their pigs into the Chase in autumn to feed upon the acorns from the oaks, and if it appeared that there was more mast than the commoners' hogs would consume, the public crier was to announce the fact in the neighhouring towns, and the surplus mast was to be sold for the benefit of the lord, a portion going, of course, to the chief forester."

What was disafforested by Edward I. appears to have been only a portion of what previously or subsequently constituted the Forest, and the whole was formally disafforested by Charles I. in 1632. "All these particulars, laws, usages, and customs passed away when the Chase was disafforested in 1632, and there only remains what was reserved by a decree of Chancery, and the order in Council explaining it, made at Whitehall, 5th September 1632, by which, after confirming the grant by the king of the third part of the Chase to Sir Nicholas Vermuyden, it is declared that the other two parts shall be left open and free for the freeholders and tenants and commoners to take their common of pasture and common of estovers therein; with the restriction that no enclosures shall be made, or woods or trees felled within the two-third parts subject to right of common.

"These reserved rights still remain where not altered by modern enclosure acts, and the rights of the commoners still appertain to all the waste within the extensive parish

of Great Malvern. So that in the sale or grant of any waste land for public or private purposes, the commoners may demand compensation; and in a recent railway case when the Hereford railway was made they obtained it, the money valuation of their abstracted rights being now deposited at exchequer interest in the Worcester Old Bank.

"The deer of the Chase were probably all destroyed at its disafforestation, for nothing further is anywhere mentioned about them, and none appear to have been preserved in the paddocks of country gentlemen. If any stray ones remained, doubtless in the lawless time of 'the great rebellion' they were finished up without remorse. Neither, as far as I know, has any account been left, in story or ballad, of the exploits of the foresters, verderers, and free suitors, in their forays and huntings after the deer, or the record left of any 'Merrie men' who might have furtively sought after a fat buck; or any caitiff prowler who by "the verdict of twelve men" found his head placed under the Forester's axe, 'in the said chase' at Sweet Oaks, 'where they always sat in judgment on such persons.'

"The homage-tenants and commoners living on the borders of the Chase were not privileged to take or kill any of the deer there abiding, even if they trespassed upon homesteads; but then they had the run of the open parts of the Chase for their live stock in the summer season, and other rights of 'estover,' loppings of wood, &c. I should hardly dare assert that a joint of venison did not occasionally get into some of the homage-tenants' houses, for deer stealing, as Shakespeare's history shows, was then considered rather a jolly, if illicit, pastime; and the bow did not give such an alarm in its discharge as the gun. There were serious riots by the country people (countenanced too by several landed proprietors) when the Chase was first disafforested and partially enclosed, and this seems to imply a disorderly population resident thereabout, not particularly moral in their habits, and who

disliked the impending changes, which would interfere with their unlicensed pilferings, and restrain their pursuits Even late in the present century, the Commissioners of Woods and Forests gave orders for the destruction of all deer in the Forest of Dean, from the temptation they presented to the labouring population to kill them whenever they could, and the immorality and crime that prevailed while they were preserved in the woods and coverts."

In the work cited, details are given of the successive holders of the Chase granted by Edward I. to the Earl of Gloucester; and of the complicated claims of others which, after the decree issued by Charles I., in 1632, for the "disafforesting of the Chase of Malvern, and for freeing the lands within the bounds, limits, and jurisdiction thereof, of and from the game of deer. These and the forest laws" led to opposition by several powerful land-owners with rights or claims upon the Chase. The execution of this decree, and the presentation by others of a bill in Chancery praying for its reversal, and the exhibition of an information in the Court of Star Chamber against others, "for certain riots and other misdemeanours supposed to have been done in opposition and hindrance of the execution of the said decree."

"To end the dispute an order in Council was made at Whitehall, 5th September, 1632, to explain the former decree, and for 'the settlement of the differences' that had disturbed the country. By this it is declared that the third part to be enclosed should not be the best selected, but 'indifferently taken, bad and good,' and that 'the other two parts shall be *left open and free* for the freeholders and tenants and commons, to take their common of pasture and common of Estovers therein;' with the restriction that *no enclosure shall be made*, or woods or trees felled within the two reserved third parts. This 'Order of Explanation' was to be held as part of the said decree, and still remains in force (being afterwards confirmed by Act of Parliament 16th Charles II.) as to such waste lands in

the parishes of the Chase that have not become subject to enclosure acts, or been allotted according to the claims made before the enclosure commissioners. But I believe only Castle Morton, Great Malvern, Colwall, and Mathon are now left exempt from later acts and orders of enclosure, so it behoves the freeholders and commoners of Great Malvern especially to see that they are *not despoiled of their rights, which are yearly lessening.*"

By this order in Council, certain rights and claims which had been advanced were reserved; and the decree was ratified and confirmed by Parliament 16th, Charles II.

The whole appearance and condition of the Chase is now very different from what it was before its disafforestation, two hundred and fifty years ago, "when the 'beasts of venery' strayed over its unenclosed woods, and when the neighbouring occupiers of land were compelled under the forest laws to submit to the visitations of stray deer without daring to prevent trespasses, and a court sitting at Hanley had jurisdiction over all matters appertaining to the Chase, while the chief forester's axe was at times brought down upon the neck of any unfortunate marauder who could not show good cause for being found within the sacred pale of 'the said Chase.' But almost to the close of the last century the Chase was a great unenclosed waste, for in the memory of men living but a few years since a person could have ridden on horseback from Great Malvern to the top of Bredon Hill and found no impediment to his course save only the passage of the Severn, and that could be crossed at Upton Bridge.

"If we now turn to regard the size of Malvern Chase as at present, we shall find but few extensive commons or wastes left within it, and still fewer vestiges of real forest ground. In the present state of the country, when enclosure has done almost all it can, with barren ground converted into green meadows and cultivated fields that now meet the view almost everywhere between the Hills and the Severn, it is scarcely possible to realize the Forest scenes of the British and Saxon times. Little, if any of

the original 'Forest' as is now understood by that term, remains, for the few woods that have been suffered to exist, being merely allowed to form bushy underwood that is felled every seven years, or permitted to raise thin and lank hop-poles, give but a very inadequate idea of the sylvan aspect of olden times. Every year, too, diminishes these limited woodlands, which are lessened by grubbing up, and made arable, and it would be difficult at present to find many old forest veterans that existed when the Clares and Despencers, or later still, the Beauchamps and Nevilles, held their court at Hanley Castle.

"But although individual trees of great size and age are of rare occurrence, yet some woodlands that have been such from the earliest times yet remain, and this is especially the case where yews and hollies grow, darkening the ground with sylvan gloom at all times. In the parish of Powick, about the Berrow, as well as in various parts of Colwall and Mathon, there are ancient woods sufficiently embowered in foliage to reveal the picture Lucan has drawn in Druidical times—

> 'Where in deep horror had for ages stood
> A dark unviolated sacred wood;'

for notwithstanding the various enclosures of late years that have reduced the once extensive Chase of Malvern to a comparatively narrow compass except in name, secluded spots still exist environed with trees and bushes, almost as lonely, solitary, and deserted, as when through uninhabited wastes the chief forester galloped about with his axe, the dread of prowling caitiffs, or yeoman prickers moved merrily along to rouse the stag from his lair in the ferny hollow. About the eastern base of the Herefordshire Beacon, and on either side of the Ragged Stone and Casend Hills more to the south, are dingles leafy as 'Merry Sherwood' ever beheld; the dense woods upon the Holly-bush Hill are as solemn as old hollies and sombre evergreen yew-trees can make them, while Castle Morton common still shows a wide green expanse, with here and

there a pool, where the lovers of hunting may follow harriers and fox-hounds, if the chase of nobler animals than hares and foxes can now be no longer taken.

"In the autumnal and winter seasons Longdon Marsh covered with water used to present the appearance of an extensive lake, and bordered by a dense growth of sea-rushes, tall carices, and an army of plumose reeds, had a wild and solitary aspect, a few clumps of silvery-leaved poplars (*Populus canescens*) giving a peculiar character to the aqueous scene. But the drainage of the marsh, recently taken in hand, will, if successful, change the aspect of things entirely.

"In the parish of Colwall, near the old hunting seat of the Bishops of Hereford, is a good-sized fish-pool, though now almost half choked-up and closely environed with a dense growth of tall carices, which on the last occasion I saw it was crowded with a flock of sable coots (*Fulica atra*). These birds inhabit few pools in the Malvern district at present."

Of woodland clumps and of remarkable trees, solitary representatives of the denizens of the forest and of the chase in days long gone bye, cuts and graphic descriptions are given both in the volume cited and in the abridgement of it given in the *Journal of Forestry*.

### B.—*Cannock Chase.*

In Cannock Chase, not far from Litchfield, we have a case of *a Chase* having been reduced to what may be called *a waste*. Mr. Walter White, in graphic details of a pedestrian tour made by him in Central England, published under the title *All Round the Wreken*, thus describes his visit to this Chase, after having given details of his visit to the Potteries, and of a brief sojourn at Stoke, whence he went by rail to Colwich:—"I alighted here for a few hours' ramble on Channock Chase, the flanks of which, represented by a fir-crowned hilly ravine, are in sight from the station. Walking down the road to Little Heywood,

turning there into a lane, and crossing the Trent by a footbridge, in less than half-an-hour passing through a gate, you step suddenly from cultivated fields to the wild wastes of Channock. Rounded slopes rise before you covered with fern, heather, and gorse, offering to the wayfarer some of the attractions of a hill country. I followed the trackway along the hollow for a while, then struck across the heights anywhither, and found ere long that which I sought—solitude. There, in a ferny coomb, a little world within itself, I lay down and indulged in a day-dream, such as can only be dreamt in a secret place, under bright sunshine, while your eye roams afar in the expanse of blue, and from distant tree-tops there comes the sound as if of an aërial chorus.

. . . . . .

"I rambled farther and descended into a woody dell on the edge of a park, and explored the course of a brooklet which, clear as crystal, and cool as an underground spring, gambols along beneath the thick shadow, now overhung by alders, now bordered by thistles taller than a man, while birches shut all out with their trembling screen. The way is difficult in some places, with treacherous spongy patches, and uncertain footing, but it entices you onward, regaling your nostril with the scent of mint, and you will be reluctant to turn back short of the lively springs from which the brooklet takes its rise. Shortbrook the natives call it, and truly its course to the Trent is of the briefest.

"Then forcing a passage through the dense bracken on the oppesite slope of the dell, I monnted to the boldest of the fir-crowned heights, exchanging the calm sultriness of the hollows for a lusty breeze, and narrow limits for a wide-spread view. Singularly contracted is the prospect; eastwards the fertile vale of Trent, chequered with the warm tints of harvest, with farms and villages, seemingly half-buried in abundant vegetation; westwards the huge rolling undulations of the Chase, stretching away for miles—a vast solitude, with here and there a hardy fir, looking half-starved in its loneliness. Far off

the heights appear bold, but all are clothed with fern, billberries, and heath, leagues upon leagues, variegated by patches of gorse and ragwort. Apart from the expanse there is a charm in the alternations of colour produced by the innumerable undulations, some slopes appearing of a bright metalic green, others dull and rusty, while screes of gravel in plains vary the surface. The contrasted prospect may be enjoyed to perfection while pacing to and fro along the edge of the firs.

"Within the remembrance of persons now living, the Chase, with its continuous wastes, stretched along the county from near Stafford to a few miles south of Litchfield—a bleak, wild region, where travellers had at times to struggle for their lives in snow-drifts. 'Antiently,' says an old topographer, 'Cank Wood was a barren forest;' now, as we see, there are no trees, and year by year cultivation encroaches on its limits, and though the surface be poor, the Chase is rich under ground; numerous coal mines have already converted its southern extremity into a black country, and as 'Cannock Coal' is now sent into the London market, we may look forward, not without regret, to the time when the bright, breezy Chase shall be hacked into deformity and smothered in smoke."

## C.—*Hatfield Chase.*

In the West Riding of Yorkshire is Hatfield Chase, one of the largest in England, containing above 180,000 acres, and throughout much of its extent a swamp, but drained and cultivated into arable and pasture land in the reign of Charles I., by Sir Cornelius Varmuyden—a Dutchman, to whom it was sold, and being the property of a subject, it received the appropriate designation: it was not a forest; it was a chase.

The place, it may be mentioned, had long before been celebrated as the scene of a battle fought between Edwin, king of Northumberlnnd, and Penda, a pagan king of

Mercia, when the former was killed, and his army completely routed.

It possesses for us, however, some interest on other grounds. In Malvern Chase we have a forest converted into a Chase; in Cannock Chase a Chase become a waste; in Hatfield Chase, we have a swamp made into a chase, a morass which covered deep the remains of what was a rich woodland fifteen hundred years before, and had perished ages before the conventional distinctions of forests and chases and parks were known, details of which remains, and of inferences drawn from them, will afterwards be given in connection with notices of remains of other ancient forests which have been found buried in the ground, or submerged in the sea.

### D.—*Loxley Chase.*

Another Yorkshire Chase is Loxley Chase, a well-known locality in the vicinity of Sheffield, much frequented by the artizans of that town, and known in history as the birth-place of Robin Hood.

### E.—*The Forest of Gaultries.*

Hatfield Chase and Hoxley Chase are both situated in the West Riding of Yorkshire; in the centre of Yorkshire there formerly existed an extensive hunting-ground, called the *Forest of Gaultries.* It extended close up to the walls of York, and enclosed portions of it still remain. Whether it was a *forest* or a *chase* I have failed to learn. The name would indicate its having belonged to the crown; but beyond this I have no evidence in the case. But the portions of it which yet remain are now enclosed, and are out of the jurisdiction of the crown. It was formerly a favourite hunting-ground of the clergy; and the following quaint story is as quaintly told of one of the Bishops of Durham while out hunting there:

"Sir Anthon Bek, Busshop of Dureme in the tyme of

King Eduarde, the son of King Henry, was the maist prowd and masterfull busshopp in all England, and it was comonly said that he was the prowdest lord in Christienty. It chaunced that emong other lewd persons, this Sir Authon entertained at his court one Hugh de Pountchardon, that for his evill deeds and manifold robberies had been driven out of the Inglische Courte, and had come from the southe to seek a little bread and to live by stalynge. And to this Hughe, whom also he imployed to good purpose in the warr in Scotland, the busshep gave the lande of Thikley, since of him caullid Thikley-Puntchardon, and also made him his cheife huntsman. And after this blake Hugh dyed afore the busshop, and efter that the busshop chasid the wild hart in Galtres forest, and sodenly ther met with him Hugh de Pontchardin that was afore deid, on a wythe [white] horse; and the said Hugh loked earnestly on the busshop, and the busshop said unto him, 'Hughe, what maketh thee here?' and he spake never word, but lifte up his cloke, and then he shewed Sir Anton his ribbes set with bones, and nothing more; and none other of the varlets saw him, but the busshop only; and ye said Hugh went his way, and Sir Anton toke corage, and cheered the dogges, and shortly efter he was made Patriarque of Hierusalem, and he saw nothing no moe; and this Hugh is him that the silly people in Galtres doe call Le Gros Veneur, and he was seen twice after that by simple folk, afore yat the forest was felled in the tyme of Henry, father of Henry yat now ys.'"

Both from what is stated by Manwood and by Holinshed, it is evident that forests were subject to different laws than those which were applicable to Chases; and the offender on a Chase could not be punished by the so-called Forest Laws, or by any law proper to a chase, but only in accordance with what is known as common law. A chase had no court of attachment, no seat of justice; but a forest had, and the officers called foresters in a forest had their representatives at a chase designated keepers.

From Manwood's statement it appears that none but monarchs can have forests and exercise Forest Law; but, and apparently he admits the fact, in the Duchy Court of Lancaster the Earl of Lancaster in the times of Edward II. and III. had a Forest in the counties of York and Lancaster, in which he is said to have exercised the Forest Laws as fully as any soverign. This may be accounted for without prejudice to the distinction drawn between a forest and a chase, thus: the Earl of Lancaster may have claimed or may have had conceded to him by others, if not by his sovereign, royal prerogatives.

## Section III.—Parks.

Parks, according to Manwood, must, like Chases, be royal grants, and contain beasts of the chase; but, unlike Chases, they must be enclosed. Of parks there were some 600 referred to by Manfield as being fully recognised. Thus comes it that the designation is so often met with—the combined vanity and ambition of many holders of a country residence with a little land around it, thinking to add to their importance by calling this also a Park, though it be nothing of the kind; but real parks being so numerous, and no one having any interest in exposing the assumptions, they have done so with impunity. Like unwarranted assumptions of designation, supposed to bring with them distinction, are not infrequent.

Within the area of Sherwood Forest is Bestwood Park, which was an unenclosed *Hay* or Wood until the time of Edward III., when it was unparked. In the same Forest boundary are enclosed Nottinham Park and Clipstow Park; and there are, or at least were within the present century, titular Keepers of these parks. One of these officials used to reside at Newstead and the other at Annesley Hall, both of them places extensively known by name, through painful incidents connected with them in

the life of Lord Byron, and in the family histories of their owners. Better known than any of these, however, is Windsor Park, the residence of the Sovereign, and other Parks in the vicinity of the Metropolis.

Windsor Park supplies an illustration of the differences pointed out by Manwood between a forest, a chase, and a park. He speaks of Windsor Forest, now-a-days we hear more frequently of Windsor Park, and occasionally we read of Windsor Forest and Park. There may be confusion in the use made in conversation of these different designations; but all of them are appropriate. In the case of Malvern Forest a portion was made and named a Chase in the time of Edward I., though the whole was not disafforested till the time of Charles I.; and here a portion of what in the time of Manwood was Windsor Forest has been made a Park; and the terms in question enable us to specify at any time of what portion of the territory we speak.

"Windsor Forest was once a forest of enormous extent, comprehending a circumference of one hundred and twenty miles. It comprised part of Bucks, a considerable part of Surrey, and the south-east side of Berks as far as Hungerford. On the Surrey side it included Cobham and Chertsey, and extended along the side of the Wey, which marked its limits as far as Guildford. In the lapse of time, however, it dwindled away; for we find that in the reign of James I. its circumference was estimated by Norden at only seventy-seven miles and a-half, exclusive of the liberties extending into Bucks. At this period there were fifteen walks within it, each under the charge of a head keeper, and the whole contained upwards of three thousand head of deer. This extent was somewhat diminished in later years; for in a subsequent map, by Roque, the circuit is given as fifty-six miles.

"In the year 1813, an Act of Parliament was passed for its enclosure. The portion which had been previously

enclosed, known as Windsor Great Park, was of small extent compared with the whole range of the forest. The area of the park was less than 4000 acres, of which 2000 were under cultivation; while the open unenclosed forest amounted to 24,000 acres. Scarce a vestige of the forest is now left, except what has been apportioned to the crown, adjoining the Great Park."

Norden thus defines the perimeter of the forest in his time (1602). "This forest lyeth in Berkshire, Oxfordshire, Buckinghamshire, and Middlesex. The Tam-is bounds it north, the Loddon weste, Brodforde river and Guldown south, and the Waye river east;" and according to him the Great Park, which was enclosed with a pale fence, had a circumference of 10¼ miles, and contained 3650 acres, all within the counties of Berks and Surrey, while the open forest contained upwards of 24,000 acres.

In the summer of 1815, Shelley resided at Bishopsgate Heath on the borders of the forest. Here he enjoyed some months of comparative freedom from those mental and physical sufferings to which his exquisitely delicate organisation subjected him. He spent the greater portion of his time in solitary rambles in the Great Park, from whose glades, we are informed by Mrs. Shelley in her edition of her husband's works, he derived those glowing and vivid pictures of woodland scenery, with which his remarkable poem of *Alastor, or the Spirit of Solitude*, (written during his residence in the neighbourhood) abounds.

The following is one of the most striking; a picture, the original of which may be found in various parts of Windsor Park and Forest.

. . . . . 'The noonday sun
Now shone upon the forest, one vast mass
Of mingling shade, whose brown magnificence
A narrow vale embosoms.
. . . .
The meeting boughs, and implicated leaves

Wave twilight o'er the poet's path, as led
By love, or dream, or God, or mightier death,
He sought in Nature's dearest haunt, some bank—
Her cradle and his sepulchre. More dark
And dark the shades accumulate—the oak,
Extending its immense and knotty arms,
Embraces the light beech. The pyramids
Of the tall cedar over-arching frame
Most solemn domes within—and far below
The ash and the acacia floating hang
Tremulous and pale. Like restless serpents clothed
In rainbow and in fire, the parasites,
Starred with ten thousand blossoms, flow around
The grey trunks, and as gamesome infants' eyes,
With gentle meanings and most innocent wiles,
Fold their beams round the hearts of those that love,
These twine their tendrils with the wedded boughs,
Uniting their close union: the woven leaves
Make net-work of the dark blue light of day,
And the night's noontide clearness mutable
As shapes in the weird clouds. Soft mossy lawns
Beneath these canopies extend their swells
Fragrant with perfumed herbs, and eyed with blooms
Minuter, yet as beautiful.'"

"The Great Park is rich in varied woodland scenery. There are not only fine thriving oaks, throwing out their gigantic arms, but sturdy pollards without end, which seem to have set time and seasons and decay at defiance. They are gnarled and knotted, twisted and distorted, yet at the same time vigorous and sound at heart. The beeches, too, may be seen of all ages and sizes, picturesque and beautiful in their decay, but while in full vigour, and dotted with their sparkling leaves, they are the richest ornament of the wood. The holly loves to nestle under the shelter of its graceful pendulous branches, affording a contrast to its smooth white trunk, on which here and there some pretty lichen may be seen. Many of the trunks are studded with projecting knobs and other excrescences, and sometimes appear fluted or grooved. Here and there the roots of some of these 'most lovely of forest-trees' are thrown out with great boldness, and when they appear above the ground, are generally covered with mosses of a beautiful soft green, differing in shades from those on the stems.

"Mr Jesse, in his account of Forest-Trees,* says that the venerable old pollards of Windsor Great Park interest him more than anything else there. 'In looking at them,' he says, 'my mind is imperceptibly carried back to the many interesting historical facts which have happened since they first sprang from the earth. I can fancy that our Edwards and Henrys might have ridden under their branches,—that they had been admired by Shakespeare; and that Pope, whose early youth was passed in the neighbourhood, had reposed under their shade. At all events, it is impossible to view some of these sires of the forest without feeling a mixture of admiration and wonder.'

"The size of some of the trees is enormous; one beech-tree, near Sawyer's Lodge, measuring, at six feet from the ground, 36 feet round. It is now protected from injury, and nature seems to be doing her best towards repairing the damage which its exposure to the attacks of man and beast has produced. It must once have been almost hollow, but the vacuum has been nearly filled up. One might almost fancy that liquid wood, which had afterwards hardened, had been poured into the tree. The twistings and distortions of this huge substance have a curious and striking effect. There is no bark on this extraneous substance; but the surface is smooth, hard, and without any appearance of decay.

"There are two magnificent old oaks near Cranbourne Lodge; one of them is just within the park paling, and about three hundred yards from the Lodge, and the other stands at the point of the road leading up to it. The former, at six feet from the ground, measures 38 feet round. The venerable appearance of this fine old tree, 'his high top bald with dry antiquity'—the size and expanse of its branches —the gnarled and rugged appearance of its portly trunk— and the large projecting roots which emanate from it, fill the mind with admiration and astonishment. The other tree is 36 feet in circumference at four feet from the ground."

* Gleanings in Natural History. Second Series.

One of the best known places in Windsor Park is the Long Walk, which stretches some three miles in a straight line from Windsor Castle. It is a fine sight, notwithstanding its straightness. It is lined by dark rows of giant elms, which, though forced into such formal arrangement, have been allowed freely to grow in their own way, aad it is pleasant to turn occasionally into the aisle-like side-walks, and look up at the green roof of trellis work formed by the interlacing boughs. A walk of two miles brings us to a handsome pair of lodge gates through which we pass into the Great Park, and the place is changed as if by magic. We are in a vast solitude of grassy mounds and giant trees in all their native luxuriance, spreading as far as the eye can reach; the stillness would be appalling but for the clamour of a million birds. One of the adornments of the Park is Virginian Water —a large lake, the extent of which alone is sufficient to do away with all ideas of its artificial origin. This is completely enclosed by densely-wooded acclivities, rising almost from the water's edge, one above the other, in agreeable perspective, so as to exclude the slightest glimpse of the world beyond. On one side of the lake, a broad pathway of dark-green grass, yielding like a rich Turkey carpet to the tread, extends from one end of the lake to the other. Immediately on the left the shelving woods begin to rise. There is not a sound to be heard except a gentle murmur of the trees, that never ceases.

The following account of Windsor Forest and Park is given in the *Journal of Forestry*, vol. i., p. 708 :— "Until its enclosure in 1817, Windsor Forest was an open common, on which the crown and several subjects enjoyed mutual rights. The period when the park was fenced off from the common ground has not been ascertained. Norden's map of 1607 shows the boundaries, and Sir William Cecil was petitioned in 1568 to allow two French glassmakers the privilege of cutting wood and burning charcoal in 'Windsor Great Park.' About the same date an

anxious Parliament took measures for increasing the supply of shipbuilding timber, and enacted that at the periodic cutting of the Windsor copses twelve 'standils or stores' per acre should be left to form a future wood. It is probable that the fencing of the park from the forest occurred long before the reign of Queen Elizabeth. Records relating to this domain earlier than the time of Charles I. do not exist, as the whole of those most interesting documents were destroyed during the Civil War by the parliamentary soldiers, who held the Castle throughout the struggle, and who found the papers useful material for lighting their fire. Prince Rupert used his utmost efforts to dislodge the destructionists, but without success. In the next reign he became a keeper of one of the forest walks, and thirty other old soldiers occupied the Great Park, which they farmed on the five-verst system, the marks of their furrows being still visible.

"According to a survey of 1661, the king enjoyed a right to twelve loads of hay, 'to be taken yearly from the meadow called Runnymede,' for the feeding of the deer. The principal forest walks were Cranbourne, New Lodge, and Bagshot. Lord Mordaunt was the head keeper and constable of the Castle; the arable land was let to the old soldiers at £200 a year. It was a good time for timber, inasmuch as John Evelyn, a zealous royalist, had recently delivered his 'Discourses on Forest Trees' before the Royal Society, and improvements were afoot. Fences were now formed round the cultivated fields at Windsor, hedgerow elms were planted, plantations filled up, and grass seeds sown. Between the years 1670 and 1680 Evelyn was a frequent guest at Windsor Castle, and the king was constantly engaged planting rows of elms on the French plan, which had been previously borrowed for the adornment of Sayes Court. Before the time of Evelyn the country must have been very poorly ornamented with timber. The magnificent forests of 'nature's' planting had been sadly diminished and cut up; the hedgerow trees were horribly mangled and trimmed up for firewood, the

elm being the favourite, in consequence of its large production of successive crops of boughs, and its patience under repeated mutilation. It was employed for the great avenue of the Long Walk on the south approach to the Castle. The couplet—

> 'Here aged trees cathedral walks compose,
> And mount the hill in venerable rows,'

applies to the present appearance of the avenue, which Pope saw only in its infancy. The planting of the Long Walk was commenced in 1680, on the purchase of the fields lying between the Castle and the Great Park. The distance from the Castle to the statue of George III. on Snow Hill is two and three-quarter miles, and the length of the avenue is rather less. The distance between the two inner rows is 150 feet. The trees are ten yards apart in the rows, and each tree composing the aisles at the sides is thirty feet from its neighbour, which is considerably less than it should have been. There were originally 1,652 trees. Those on the low ground, and on good loamy land, ten or fifteen feet deep, on chalk, at the Castle end of the avenue, are twice as large as those on the cold stiff clay on the ascent towards the statue, and at this southern end there have been some failures and replanting. Mr Menzies, resident deputy-surveyor, mentions in his *History of Windsor Great Park and Windsor Forest* that red tape has been amply manifested in their unprosperous condition. All the oldest planted woods are of about the same date as the Long Walk.

"In the plantation of oaks between Bishop's Gate and the road running from the top of the Long Walk to Blackness there are thirty-two trees to the acre, containing on an average 104 feet each of timber. They are sound, healthy, and growing fast, the soil being a fine light loam at top and a good clay below, and the land at planting was trenched. There is a photograph of one of these oaks in Mr Menzies' magnificent work. The height is 100 feet, the circumference of the trunk is nine feet at five feet

from the ground. The tree will be found standing at the edge of the wood close to the Royal Chapel. The planting of the pleasure-grounds of the wilderness (now Cumberland Lodge) belong chiefly to the period between 1695 and 1735.

"In 1711 Dean Swift visited Windsor, and wrote to Stella how much the Long Walk surprised him. The Duchess of Marlborough was then the Ranger, and so continued till her death in 1744, setting the Court at defiance in a very termagant fashion. Among her numerous complaints she declares she is out of pocket, keeping up the lodges and paying the keepers, and 'all she got was a few Welsh knuts to eat and the grazing of some cows.' At the age of eighty-four she is still busy about the park, and often 'in the vapours against knaves and fools, both of which,' she says, 'I hate.' She complains, too, that the Duke of St Albans, Constable of the Castle, 'besieged her in both parks,' and broke open a door at Cranborne Lodge without her leave, for which offence she forbade his driving through the Park. 'I have forbid it,' she writes to the Duke of Newcastle. 'He urges a necessity for it on account of his supervising the fortifications—a term in my mind extremely odd and ridiculous. If he means by it the ditch that is inside the Castle, I am so far from desiring to prevent the constable from doing his duty in his military capacity, and putting the place in a proper condition of defence, that'—and here she contemptuously promises that her keepers, or 'any other engineers,' shall attend him when he pleases; but she sees 'no immediate probability of an attack.'"

The Duchess of Marlborough succeeded William, Earl of Portland, in the rangership in 1702, and continued in that office until her death in 1744. About the year 1746 H.R.H. William, Duke of Cumberland, was appointed ranger. In 1766 he was succeeded by Henry Frederick, Duke of Cumberland. On his death, in 1791, King George III. took the rangership into his own hands, and appointed

as deputy, Major-General William Harcourt. In 1830, King William IV. became ranger, with Sir W. H. Freemantle as deputy; and on his death, in 1850, Major-General Seymour was appointed deputy-ranger.

In 1850 the Board of Woods and Forests, which had been combined with that of Works and Public Buildings, was separated from this Board, and Windsor Forest and Park came under the sole charge of the Hon. Charles Gore.

The Prince Consort, immediately after Her Majesty's marriage in 1840, became ranger, and held the office till his death in 1861. The present control of the management of Windsor Park rests with the ranger, H.R.H. Prince Christian. Colonel the Hon. A. Liddel is deputy-ranger, and the Commissioners of Woods and Forests have charge, on behalf of that Department, of all matters connected with the estate.

Windsor Park is maintained as a royal demesne for the enjoyment of Her Majesty and her subjects, and with this in view, more attention is given in the culture of the trees to what will minister to pleasure and ornament, than to the procuring of pecuniary profit for the sale of forest products.

Both in the Park and in the Forest there are numerous trees remarkable for age, for appearance, and for historical associations connected with them.

There were rights of common enjoyed by many, and it is alleged that during the two hundred years comprised between the commencement of the seventeenth century and that of the present, encroachments were constantly being made; and what with these encroachments on the one hand, and depredations by various persons who claimed rights, the Lord Chief-Justice in Eyre, with whom it lay to prosecute all offenders against forest laws, had no little trouble.

The claims advanced were of the most extravagant character. The rights were ill-defined, and they seemed

to extend over much if not over the whole area of the forest. Silvanus Taylor in his treatise entitled *Common Good*, dedicated to Parliament in 1652, when a sixth of the land was in common, advised division and allotment. This was ultimately done, but not until 160 years after it was recommended by him — recommended with the quaint remark "not that the commoners would work on their own allotments, for while the parish has to maintain them they will not work."

Taylor does not appear to have had a very high opinion of the commoners in his day, and as things were then so were they to the end; but it should be borne in mind in judging them that they had rights, and these rights they were maintaining. In the *History of Windsor Great Park and Forest*, by Mr Menzies, the author tells:—"An old Commoner has described to me, with evident self-congratulation, how, one moonlight night on Christmas Eve, when the forest officers were tapping their elder wine (a custom which still exists) and not likely to disturb him, he worked all night long, and had a quarter of an acre added to his land before morning. A moonlight night was the season for such operations; if a commoner could only build himself a hut of turf, and have a fire lighted and a *pot boiled* on the rudest chimney, the hut became established as a house—was, in fact, his 'castle,' and was wholly unassailable except by regular process of law, which the forest officers frequently declined to institute; the trouble was immense, there was no remuneration, and the next moonlight night saw the estate restored. If, however, the pot had not been boiled on the hearth, the forest officers might proceed without ceremony to pull the place down.'

"A short time since the Crown purchased a cottage and garden near the park, and on enquiring for the title the following was the reply of the owner:—'You see, sir, my wife's father as was, so I have been told, lived in another house near this about seventy or eighty years agone, and there was a piece of waste land, as was part o' the common that was handy, and so he first plants taturs on it, and

then he got some bricks and some sods, and he put up a bit of a place to take shelter in, and at last he got to live in it, and there was a deal o' bother made about it one way and the other; but he was servant to a gentleman as was a magistrate in the neighbourhood, and he was friendly to the poor people, and said the land was of no use to nobody, and so he kep' it, and when I married his daughter I came to live in it.'*

. . . . . .

"To remove such customs as these, as well as to put an end for ever to the frequent disputes, the Commissioners were appointed to make a report on the state of the forest, which they did in 1807, and again, finally, in 1808. Their report was a sweeping condemnation of the laws (which were, in effect, practically useless) under which the Forest was then governed; in 1813 the Act for the enclosure of the Forest was passed, and in 1817 the awards to the various commoners were made, the Crown obtaining complete possession of a large part of land stretching from New Lodge to Sandhurst, containing upwards of 10,000 acres. With the exception of that part belonging to the Crown adjacent to the Great Park, known as Cranbourne, scarcely a vestige of the grand old forest now remains.

. . . . . .

"The allotments to the Crown on the enclosure of Windsor Forest, enabled good old George III. to enjoy the luxury of farming his own land; and upon the same ground the Prince Consort afterwards established the famous model farms which were noticed in the Windsor supplement to the *Gardener's Chronicle*, October 31, 1874, and

* Accordiug to a statement made by John Mitchell Kemble, fond of old Saxon lore, to William Thoms, an old bookworm, cited in *The Nineteenth Century*, July 1881, p. 75, among other illustrations of ancient tenures, forest rights, &c., which he had picked up at Addlestone when he was there living, and to which the old forest of Windsor had formerly extended, was the custom of deciding how far the rights of the owner of land extended into the stream on which his property was situated, by a man standing on the brink with one foot on the land and the other in the water, aud throwing a tenpenny hatchet into the water; where the hatchet fell was the limit. This, he said, he had learned from an old man born and bred in the forest, who remembered having once seen it done.—J. C. B.

described in Mr J. C. Morton's "Report on the Royal Farms."

"Between 1815 and 1822 roads were formed and a portion of the crown allotments planted with oak on the heavy, and fir on the light land, including 1400 acres between Windsor and Ascot race-course, and 4000 acres beyond the heath. The demolition of cottages, according to the false exclusive taste of the time, thrust all labourers to a distance from the castle, and, accordingly, they walked daily a distance of from two miles to five miles to their work, till, on Her Majesty's accession and marriage, the Prince Consort, as ranger, devoted himself earnestly to this, as well as other matters connected with the improvement of the Crown property, At this time four farm homesteads were erected, 2,000 acres of stiff clay land were drained, a large school for workmen's children was erected, and has since been supported by the Queen; herds of shorthorns, Herefords, and Devons were established, and, among the other great improvements, Charles the Second's idea of joining park and castle was carried out."

Windsor Forest and Parks shewed in 1852 an expenditure of £7091, and an income of £4019. The following were the heads of income:—

| | |
|---|---|
| Sale of timber, windfall trees, &c. | £1,067 |
| ,, bark | 902 |
| Grazing-rents | 60 |
| Sales of live stock | 792 |
| Value of timber supplied for forest uses | 60 |
| Venison-fees | 200 |
| Miscellaneous, | 38 |
| | £4,019 |

The expenditure in salaries and allowances was £3044 11s 10d; this sum was divided among thirty-two persons. The rearing of pheasants, attending buffaloes, and night-watching, cost £72; and the wages of woodmen and

labourers employed in nursery-work, the preparation of produce for sale, &c., amounted to £3561. The provender for the cattle cost £220; the food for the deer, £102; and for the game, £625. The rent of premises near the Long Walk was £420 per annum; and of land at Virginia Water, £84.

## Section IV.—Warrens.

A Warren we have found described as "a franchise, or free place privileged by prescription or grant from the king for the keeping of beasts and fowls of the warren, which are hares and coneys, partridges and pheasants, and some add quails, woodcocks, water fowl, &c." Such is the Royal Warren of the Isle of Purbeck, in the south-eastern part of Dorsetshire, which, like some other places in England designated isles, may have been, and probably was, an island once, but is no island now. It is thus described by Mr C. E. Robinson Hamilton in a beautifully illustrated work entitled, *A Royal Warren, or Picturesque Ramble in the Isle of Purbeck.* "It is, or has been, a little province, as it were, by itself, having its own ways and customs, its own interests, and its own local centre, Corfe; and as much cut of from sympathy with the rest of England as if it were a real island out on the ocean. Natural and political circumstances have combined to keep it for ages in this condition. The fertile inhabited parts have been separated from the mainland, even on the sides where the sea is not, by a river with marshy banks; in rear of that, by a wide and desert heath; and behind that again by the huge barriers of inhospitable chalk which conceal the pleasant valley beyond. There, within historical times, the Castle of Wareham, now long destroyed, overshadowed the bridge by which lay the only road in, and that road was again commanded at the gap in the chalk downs by the royal fortress of Corfe. The possession of the latter stronghold, and the remoteness of the neighbour-

hood, long enabled the Norman kings to retain the island as a wild hunting-ground. Originally a deer forest, it was only in the reign of Henry III. that the island was disafforested, and thenceforth considered only as a 'warren of conies.' The hunting rights remained to the crown for many centuries, King James the First having exercised them in 1615. Throughout this long period the preservation of game necessitated the discouraging of roads and fences, and the enforcing of stringent regulations, interfering sadly with commerce and industry. Strangers were thus excluded; new ideas filtered in but slowly; and the indigenous inhabitants came to think and act very much as if the whole world were enclosed within the limits of the Royal Warren. Wherever one wanders in Purbeck, the effects of this ancient seclusion are obvious in the self-contained small townlets, with their institutions complete as those of populous cities; in the remains of mere hamlets, which we know by old records to have had their fairs and market-places all to themselves in times gone by; in the numerous little manors, each with its ancient house in a local phase of the architectural style prevalent at the period when it was built; and in many other directions, to be discovered only when one knows the country well. So, although there may be no one thing in Purbeck of commanding interest to all, except the unique ruins of Corfe Castle, still this kingdom in little is a microcosm, to appreciate the full quaint flavour of which as a whole, it is necessary and pleasant to make oneself acquainted."

Of many of the spots, beautiful etchings produced by the process designated "Typographic Etching," are given. The prettiest and quaintest corners, are often altogether destitute of carriage roads, and some can only be conveniently visited by water; but detailing a series of rambles by foot or otherwise, illustrated abundantly by plates and cuts of sketches made by a companion of his tour, the characteristics of the locality are by, Mr Robinson Hamilton, graphically depicted.

## Section V.—Woods.

The designation of the superior officials entrusted with the administration of the Forests of England is Her Majesty's Commissioners of Woods and Forests. According to the legal use of the term, as we have seen, there may be forests in which there are no woods, and woods covering an extensive area which are not forests: the one designation having reference to hunting-grounds belonging to the Sovereign; the other to more or less extensive clumps of copsewood or of timber trees, and these may belong either to the Sovereign or to private proprietors without this circumstance affecting the name.

### A.—*Wistman's Wood.*

A remarkable Wood is one in Devonshire, high up in Dartmoor, on the slopes of the West Dart, and comprised within the area of Dartmoor Forest. It is known as Wistman's Wood, and is almost the only piece of woodland within the forest.

Dartmoor, supposed to derive its name from the river Dart, which rises on the moor in the midst of a bog at Cranmere Pool, is twenty-two miles in extent from north to south, and fourteen from east to west, and is said to comprise nearly 100,000 acres. It is thus described by Dr Berger in the *Geological Transactions*:—

"From Harford Church (near the southern limit of Dartmoor), the country assumes quite a bare and alpine appearance, presenting a vast plain, extending beyond the visible horizon. The face of the country is formed by swellings and undulations gradually overtopping each other, without ever forming distinct mountains. There is no vegetation, and few human dwellings; we tread upon a boggy soil of very little depth, and scarcely affording sufficient food to support some dwarf colts, as wild as the country they inhabit." *

* Geol. Trans. vol. i.

An anonymous writer tells:—"Part of the waste is appropriated by the surrounding parishes, the freeholders of which possess the right of common, or, as it is termed, of *venville*, on these appropriated parts. The rest of Dartmoor, to which the name of DARTMOOR FOREST, frequently given to the whole waste, strictly applies, and which belongs to the Duchy of Cornwall, has been found by survey to contain upwards of fifty-three thousand acres.

"The highest part of Dartmoor Forest, in which some of the most important rivers of the county have their rise, consists of a succession of morasses formed by the decay of the successive crops of aquatic plants with which this part teems; these morasses are in some parts fifty feet deep, in others not more than five.

"Dartmoor was made into a forest by King John. Edward III. gave it to his son the Black Prince, when he invested him with the title of Duke of Cornwall. And though Dartmoor is now desolate, and where the oak once grew, there is seen nought but the lonely thistle and the 'feebly whistling grass,' yet that it was once, in part at least, richly clothed with wood cannot be doubted. The very name, so ancient, which it still bears, speaks its original claim to a sylvan character—the *Forest* of Dartmoor; and though of this antique forest nothing now remains save one 'wasting remnant of its days' to show where the dark old forest-trees once stood, yet evidence is not wanting to prove what it has been, since in its bogs and marshes on the moor, near the banks of rivers and streams, sometimes embedded twenty feet below the surface of the earth, are found immense trunks of the oak and other trees.*

"The 'lonely wood of Wistman' is all that remains of the original Forest of Dartmoor. It lies on the side of a steep hill: at its base runs the western branch of the river Dart, to the north-east of the river Tor. It consists of scrubbed decrepit trees, chiefly oak, scarcely exceeding

* Probably many of the trees that formed Dartmoor Forest were destroyed by fire, in order to extirpate the wolves that formerly abounded in it. Those that remained may have been destroyed by cattle afterwards pastured there.

seven feet in height; their branches, almost destitute of foliage, overrun with moss, bramble, and other parasitical plants, exhibit a scene of uncouth and cheerless desolation. The circumference of some of these hoary foresters almost equals their height.

> 'I looked upon the scene, both far and near,
> More dolefnl place did never eye survey;
> It seemed as if the spring-time came not here,
> Or Nature here was willing to decay.'

"A poet of far less extended fame has made the wood of Wistman the subject of his song:

> 'Sole relics of the wreath that crown'd the moor!
> A thousand tempests (bravely though withstood,
> Whilst, sheltered in your caves, the wolf's dire brood
> Scared the wild echoes with their hideous roar),
> Have bent your aged heads, now scath'd and hoar,
> And in Dart's wizard stream your leaves have strew'd,
> Since Druid priests your sacred rocks imbrued
> With victims offer'd to their gods of gore.
> In lonely grandeur, your firm looks recall
> What history teaches from her classic page;
> How Rome's proud senate on the hordes of Gaul
> Indignant frown'd, and stay'd their brutal rage.
> Yet time's rude hand shall speed like theirs your fall,
> That self-same hand so long that spared your age.'"

A writer in the *Journal of Forestry* (vol. v., p. 421) tells: "The trees are all dwarfs, apparently of the same age, and growing on a singularly unfavourable site. Those who have seen these oaks, and are aware that the wood was described in a perambulation of the moor, dated soon after the Conquest, as having then been in much the same state as it is now, will find no difficulty in believing them to be at least 2,000 years old. They owe their preservation to an effectual defence, in the shape of a number of large stones which cover the site on which they grow, and amid which the venerable dwarfs lift their branches. The trunks of the trees are about the height of a common stool, such as clerks sit upon, and I sat down on the crown of one in passing, and leaned upon the main limbs. The

bole of this tree was about 3 ft. high, and its total height to the topmost branches 15 ft. The trunk was hollow, but still full of life. Its circumference was 6 ft. It was at its prime probably about the height of an average oak; this must have been at the period of the Norman Conquest, and it is still as tough a dwarf, for a tree, as the notorious Quilp was for a man. Time-worn as the stems and trunks are, they are well covered by their spreading and flattened heads. Seen at a distance in August, a sheet of green seems spread upon the hill-side. I do not remember oaks more uniform in the character of their umbrella-like heads, or with foliage of a brighter green. Whether the trees were planted by man or by nature, their security is due to the sheltering blocks of granite amid which they stand, and to the moss-covered props and slabs on which the branches rest.

"There is, I think, no apparent reason for concluding that this was a planted wood. It is true no acorn springs at present, and even where the branches of youngest wood lie along flat stones, embedded and sopped in moss, under the most favourable circumstances for emitting roots, they fail in that common means of reproduction in consequence of the smallest branches even being too old, hard, and tough. When, therefore, the old trees crumble a thousand years hence, they will leave no successors.

"According to common report, Wistman's Wood swarms with vipers. It is a damp and unlikely site for reptiles of this kind, and perhaps the rumour may be in some way connected with a common legend attaching to several historical trees. A serpent guarded the Golden Fleece, and the apples of the garden of Hesperides, and a sleepless snake was coiled around the Yggdrasil.

"There was a widespread persuasion in Devonshire that the Druids found mistletoe in Wistman's Wood, and collected it with great ceremony on the occasion of an annual festival; but this must be an error, and the derivation of the name of Wistman's Wood from that of the *wisemen i.e.*, the Druids, is no doubt incorrect [?]

"In the extensive forests of ancient Britain, when the atmosphere was damper and less moved by wind, the mistletoe may have grown on the oak more generally than at present. It fastens now on more than a dozen sorts of trees, including the fir, yet it almost invariably avoids the oak. Mr Jesse, the surveyor of Her Majesty's parks, failed to discover it growing on the oak even in a single instance. But this 'branch of spectres,' which still covers the apple orchards of the Isle of Avelon—that stronghold of Druidism—does sometimes strike root on the oak in sheltered situations. In the great oak wood of the Weald of Sussex there is at present, if the tree has not been felled very recently, a specimen at Burningfold Farm, in the parish of Dunsfold. The Society of Arts obtained a specimen some years since in Gloucestershire. This is not very far from the site in question, where one would gladly affix the mistletoe to the banks of the Dart, and confirm the story of the sacred grove, and prove our wood as old as Cæsar and contemporary with the birth of Christ. But the mistletoe, which thrives in Siberia in certain situations, does not climb in England higher than 500 ft. or 600 ft. above the level of the sea, while the highest trees of Dartmoor exceed 2,000 ft., and the site of Wistman's Wood is not much less.

"With regard to the age and name of this mysterious wood, the name seems to be connected with the legend of the Black Huntsman, otherwise called Wistman, and descended from Woden, whose spectral pack of Wist hounds hunted here on wild nights, when they might be heard as they drifted over Dartmoor at full cry, or passed among the branches of these weird oaks. It would not appear unreasonable that a situation so congenial should have been selected by the famous Wistman or Wishman, as one of his numerous hunting grounds.

"Whatever surmise as to the origin of its name we may prefer, the age of the wood cannot be settled etymologically. Was it primæval or planted? Captain S. P. Oliver, R.A., who was employed on Dartmoor making a

reconnoissance previous to the autumn manœuvres of 1873, stated in a letter to the *Gardener's Chronicle* that there is, high up the valley of the Erme, another small wood of scrubby oak bushes named Pileswode, from the stakes or piles by which each tree was surrounded for its protection. Pileswode was evidently a planted wood, as shown in an ancient map of Dartmoor of the year 1241. Captain Oliver believes that Wistman's Wood was also a planted wood, and attributes the planting to the Scandinavian miners who visited this part of England a thousand years before the Conquest, and even previous to the destruction of Tyre by Alexander, at a period when the ancient ports of Plymouth, Dartmouth, and Falmouth were frequented by Phœnician traders."

### B.—*Charnwood.*

Another interesting wood is Charnwood, a rough open tract in the north-west part of Leicestershire. It sometimes is called Charley Forest, and sometimes Charnwood Forest; but I have not met with any record of its having been constituted a Forest. It comprises a district ten miles in length and six in breadth, and is generally considered to have formed part of the Forest of Arden. It has been alleged that *arden* is the British word for Forest, and that that forest, there can be little doubt, extended right across England, including what we now call the Forest of Dean, Sherwood, &c. The so-called Forest of Charnwood claims an antiquity higher than authentic history will carry us. It comprises a district ten miles in length and six in breadth. That it was frequented by the Britons, and that the peaks of its picturesque hills were the resort of the Druids, is proved by many Celtic remains. Cromlechs and barrows are of frequent occurrence; and in one part of the forest a curiously-formed seat, excavated in the solid rock, and with a kind of rude canopy, may be seen, from whence, possibly, the arch-Druid addressed the surrounding mutitude.1 There are traces also of the Roman

power: a road which, if originally of British construction, was unquestionably used by the conquerors; the remains of a Roman camp too, and many Roman coins, have been dug up at different times in various parts of the forest. A singular remain, perhaps of the Roman period, was within a few years standing on Beacon Hill. This was 'an erection of rude and ancient masonry, about six feet in height, of a round form, and having in its centre a cavity about a yard deep and a yard in diameter, the sides of which were very thickly covered with burnt pitch. This had evidently been used for the "beacon-fire;" and on digging round, many fragments of mortar and dark-red brick were found, which lead to the inference that it was Roman workmanship.' *

During the middle ages, the vicinity of Charnwood was the dwelling-place of many a bold baron. The powerful Earls of Leicester had parks here, and the strong castles of Grobe and Mountsorrel rose close beside; but the greatest interest connected with Charnwood is princely Bradgate, the residence — probably the birthplace — of Lady Jane Grey. The present park of Bradgate is bounded by a wall of nearly seven miles in length, and is also subdivided into several walled lawns, some of which are of very ancient enclosure. The whole surface is of a very varied character, in which wildness greatly predominates. The mansion, of which the ruins form an object of such interest, is deserving of notice. Thoresby mentions that James I. was entertained here for some days; as also William III. The following account has been given of the destruction of the house:

"It is said of the wife of the Earl of Suffolk (Stamford), who last inhabited Bradgate Hall, that she set it on fire at the instigation of her sister, who then lived in London. The story is thus told: 'Some time after the earl had married he brought his lady to his seat at Bradgate; her sister wrote to her, desiring to know how she liked her

* Potter's History and Antiquities of Charnwood Forest.

habitation and the country she was in: the Countess of Suffolk (Stamford) wrote for answer, that the house was tolerable, that the country was a forest, and the inhabitants all brutes. The sister in consequence, by letter, desired her to set fire to the house, and run away by the light of it. The former part of the request, it is said, she immediately put in practice; and thus this celebrated and interesting mansion was consigned to the flames." *

Charnwood, although now presenting different features from what it did many ages since, when, to quote the old Leicestershire tradition, 'a squirrel might be hunted six miles without touching the ground, and a traveller might journey from Beaumanor to Bardon on a clear summer's day without once seeing the sun,' still abounds in picturesque views; and although trees are scanty, many specimens of the oak are to be found there unmatched for beauty.

## Section VI.—Forest Woodlands.

In preceding sections have been described several ancient forests of England, under different categories to which they formally belong, and did so previous to the present century—Forests, Chases, Parks, Warrens, and Woods. But there are not a few other ancient forests still existent which, in the absence of explicit information in regard to their exact position in regard to one or other of these categories, I find it convenient to describe under the more general head of Forest Woodlands.

Of these, some may be supposed to retain a claim to the technical designation Forest though few bucks or does or other game are said to be found in them; and others may have neither game nor sylvan shelter for game —neither *beast of venerie* nor *vert*, but which have no better claim to be considered a chase, a park, a warren, or a wood.

* We need hardly tell our readers that the latter part of this account is apocryphal.

## A.—*Aliceholt and Woolmer Forest.*

Amongst the ancient Forests of England given in Mr Pearson's Historical Maps, cited by Mr Bishop, as found in Hampshire, is the Forest of Axiholt, now known as Aliceholt, and the Forest of Wulvemere, now known as Woolmer, which were considered by Mr Bishop as but divisions of the New Forest. These two portions are separated by intervening private property: one part containing 15,493 acres, and the other 2,744. Of the two forest woodlands, Aliceholt and Woolmer Forest, the following account is given in the *Journal of Forestry*, vol. i., p. 43:—

"The Forest of Aliceholt and Woolmer is situated in the east part of the county of Hants, on the borders of the counties of Surrey and Sussex, and is bounded on one side by the river Wey, which becomes navigable at Godalming, about ten miles from the middle of the forest, and communicates with the river Thames, affording an easy conveyance for the forest timber to the dockyards in that river. The most ancient perambulation of this forest recorded is dated in the 28th year of Edward I., from which document it appears that this was one of the forests enlarged by the four preceding kings, and reduced by Edward to its more ancient limits. Another perambulation was made in the 11th of Charles I., and the boundaries of both appear to be the same. In 1787 the whole of the forest consisted of about 15,493 acres, but of that quantity about 6,799 acres belonged to private proprietors, and the rest to the Crown. The forest consists of two divisions, the one called the Holt, or Aliceholt, and the other Woolmer. The two parts are separated from each other by considerable extent of intervening private property. Aliceholt was formerly divided into three bailiwicks or walks, called the North, South, and West Bailiwicks, but this distinction has long been laid aside; Woolmer is divided into two walks, called Linchborough Walk and Borden Walk. As is usual with English forests, there appear to have been

disputes concerning perquisites, and the advocates of women's rights will not be displeased that a grant was made to a Mrs Howe, of the rangership of Aliceholt Forest, for a term of forty-five years commencing 15th December 1699. Certainly she ought to have known something about the duties, as her deceased husband officiated when in the flesh as lieutenant of the same. But not content with one-seventh part of the produce of a sale in 1729, of 1,170 'dotaræ' and decayed trees, which were sold by the Surveyor-General for £980 (her receipt from such sale being £140), Mrs Ruperta Howe claimed a right to the lop, top, and bark. With respect to this transaction the Commissioners appointed to inquire into the state and condition of the Crown forests, and whose report is dated 25th of January 1787, remark, 'This claim having been thus once admitted, it appears to have been made in one shape or other at every sale since.' In the accounts of the next sales in 1732 and in 1737–8, the price of the trees only is accounted for to the Crown, clear of the lops, tops, and offal wood of the said trees, the same being claimed by the said Mrs Ruperta Howe by virtue of her grant of the office of ranger of the said forest, and her successors continued in her footsteps. But it is too wearisome to pursue the subject further, as it is merely the very old history of incompetent persons doing their best to fill their pockets at the national expense. To read the history of it, one wonders how even a fagot of firewood was ever devoted to the service of the country. During the eighteenth century no timber had been cut in this forest prior to 1777 for the use of the Royal Navy, probably owing to the trees not having till about that time grown to the necessary size. A fall of 300 loads of oak was then ordered by warrant from the Treasury for the use of the navy, and delivered at the usual price allowed for oak timber furnished to the dockyards from other of the royal forests, being 38s per load. It was argued at the time, that if the timber had been put up for sale it would have realised nearly £2,500, whereas, at

the arbitrary price of 38s it only produced £1,074 10s 9d, to which was to be added about £80 for stackwood, taken away by the people of Frensham under a pretended right, and out of which was to be deducted £179 19s 9½d for the expenses of cutting, &c., charged in the surveyor's account. In this case again it was a lady, Lady Hillsborough, who was lieutenant of the forest, and bewailed the loss of perquisites she was undergoing by the timber being used in the national service. It is, however, cheering to know that she gained nothing by her complaint. The Frensham folk, however, appear to have been the De Morgans of the day, for in 1788 another fall of 500 loads was ordered, and it being also ordered that the entire fall, including offal wood, should be sold by public auction, they openly carried the latter off, to the number of 6,365 fagots, in one day and night. The Royal Commission observe, 'In case the lieutenant should establish a right to the boughs and branches of all trees felled in the forest, we apprehend it to be extremely necessary that it should be determined what parts of a timber tree are comprehended under that description. It is well known that in navy timber, some of the most valuable pieces, as knees, crooks, &c., are taken from the limbs or branches of trees, and that other parts of the branches frequently contain timber fit for carpentry uses. It sometimes happens, also, that trees apparently fit for the navy prove unfit for that use, from some defect not discoverable while they are standing; which trees, nevertheless, contain good building timber, and large butts of trees and other pieces of timber are frequently cut off as unfit for the navy, but which are very useful for other purposes. So that if the lieutenant were allowed to take all that is not fit for the use of the navy, as was done in the fall of 1,000 loads in 1784, he would, upon every fall made for the navy, have considerable quantities of useful timber which could not be comprised under the description of boughs and branches. It is equally necessary,' continue the Commissioners, 'that this point should be settled before any farther wood sales are made in this

forest, as few persons would choose to become purchasers subject to such a claim, before it is determined what part they would be obliged to leave for the grantee.' To us it seems that the meaning of the clause relative to boughs and branches could only be to give such boughs and branches as might be left, after taking out all that could be useful for house or shipbuilding. In 1608 there were growing in this forest 13,031 trees fit for the navy, and so many dotard or decayed trees as were computed to contain 23,934 loads. In 1635 the timber was valued at £13,247, reckoning the value at 10s per load, underwood and thorns included. In 1783 the total number of oak trees was 38,919, measuring 15,142 loads, and 6,119 saplings of one and two feet each, besides beech, ash, and elm timber, valued altogether at £45,862 8s 9d. These were days when it was an important matter to have a good supply of native oak for naval purposes; now, like other British forests, old associations make its principal value, although it still supplies good timber, and will doubtless continue to do so for long years to come.

"Early in the last century, there were large herds of red deer in Woolmer Forest, and it is said that no less than five hundred head were on one occasion driven before Queen Anne, who diverged from the Portsmouth Road at Liphook to see the sight. The deer were subsequently unconscionably poached by a notorious gang, known as the 'Waltham Blacks;' and at length, to check the wholsale demoralisation of the neighbourhood, the few remaining were caught alive, and conveyed to Windsor. There is little life to be seen in the Forest now. A few cattle crop the heather, and perhaps the wild-looking inmate of one of the few cottages in the Forest may be encountered, while the 'chip' of the hatchet is heard from one of the plantations. But stillness and loneliness are the prevailing characteristics of the scene."

## B.—*Needwood.*

The royal Forest of Needwood, in Staffordshire, had formerly four wards and four keepers, with each a lodge, now in the hands of private gentlemen. In Elizabeth's reign it was about 24 miles in circumference, and in 1658 it contained upwards of 92,000 acres. In 1684 it contained more than 47,000 trees, besides 10,000 cords of hollies and underwood, valued at upwards of £30,000. It is now principally enclosed, leaving, however, a portion belonging to the crown, and one lodge. It contains still some of the largest oaks in England, and is noted for the fineness of its turf.

"The wildest and most romantic spot of Needwood Forest is the Park of Chartley. It once formed part of the possessions of the puissant family of De Ferrars, but they were forfeited by the attainder of Earl Ferrars, after his defeat at Burton Bridge, where he led the rebellious barons against Henry III. This estate, being settled in power, was alone reserved, and handed down to its present possessor.

## C.—*Whittlebury Forest.*

Whittlebury Forest, in Northamptonshire, was the scene of a most remarkable triumph of love over sovereignty. Tradition points out the exact spot of the first interview between the lovely widow of Sir John Gray, a noted Lancastrian leader, and the youthful king Edward IV. The lady, so well known to historical students by the name of Elizabeth Woodville, waylaid Edward when he was hunting in the neighbourhood of her mother's castle at Grafton. There she waited for him under a noble tree, still known by the appellation of the Queen's Oak. Under the shelter of its wide-spreading branches the fascinating widow addressed the young monarch, holding her fatherless boys by

the hand; and when Edward paused to listen to her suit, she threw herself at his feet, and pleaded earnestly for the restoration of part of the forfeited estates of her children.

"The king was deeply struck by the lady's beauty, and his captivation was completed by her grace, modesty, and sweetness; he hung enraptured over the lovely suppliant, and became in turn a suitor.

"The Queen's Oak, which was the scene of more than one interview between the beautiful Elizabeth and the enamoured Edward, stands in the direct tract of communication between Grafton Castle and Whittlebury Forest; it now rears its hollow trunk, a venerable witness of one of the most romantic facts in the pages of history.

"Elizabeth was for a time subject to the licentious addresses of the royal libertine; but repulsing gently but firmly, she riveted her conquest by her virtue. All his arts to induce her to become his own on other terms than as the sharer of his regal dignity were unsuccessful. On one occasion the beautiful widow made this memorable reply to his disgraceful overtures,—'My liege, I know that I am not good enough to be your queen, but I am far too good to be your mistress.' She then left him to settle the question in his own breast, for she knew that he had betrayed others whose hearts had deceived them into allowing him undue liberties. The resistance thus offered to his suit increased the king's passion rather than weakened it, and the struggle ended in his offering her marriage.

"In the quaint language of Fabian the marriage is thus described:

"In most secret manner, upon the 1st of May 1464, King Edward spoused Elizabeth, late being wife of Sir John Gray. Which sponsales were solemnized early in the morning at the town called Grafton, near to Stoney Stratford. At which marriage was not present but the spouse (Edward), the spousesse (Elizabeth), the Duchess of Bedford, her mother, the priest, and two gentlewomen, and a young man to help the priest sing. After the

sponsailles the king rode again to Stoney Stratford, as if he had been hunting, and then returned at night. And within a day or two the king sent to Lord Rivers, father to his bride, saying that he would come and lodge with him for a season, when he was received with all due honour, and tarried there four days, when Elizabeth visited him by night so secretly that none but her mother knew of it. And so the marriage was kept secret till it needs be discovered, because of princesses offered as wives to the king. There was some obloquy attending this marriage; how that the king was *enchanted* by the Duchess of Bedford, or he would have refused to acknowledge her daughter.'

Of Whittlewood, or Whittlebury Forest the following notice is given in the *Journal of Forestry*:—

"The Forest of Whittlewood is situated on the borders of the counties of Northampton, Oxford, and Buckingham, and comprehends within its ancient bounds a considerable territory extending into these three counties. This forest, as well as that of Salcey, is part of the honour of Grafton, and there were various perambulations made of it in the reigns of Henry III. and Edward I. Another was made during the reign of Charles I., extending the bounds of it far beyond the former limits, but the Act of 16th, Charles I., restricted it again to the old limits of James I. Indeed, these arbitrary extensions of forests beyond their old limits, and their subsequent confinement to such area, may be taken as indicative of the temper both of king and parliament, and which led to the civil war by an aggregate of such encroachments on the liberty of the subject and a substitution of the royal will. The coppices were cut in rotation at twenty-one years growth; and after being enclosed for nine years from the time of each cutting of the underwood, were then thrown open to the deer and cattle for the remaining twelve years, excepting Shrobb Walk, which was not subjected to any rights of common. The cattle allowed to depasture in the forest were horned cattle and horses only; no sheep or swine were admitted. The

officers were a lord warden, or master forester, a lieutenant, or deputy-warden, two verderers, a woodward, a purlieu ranger, five keepers, and six page keepers, besides the surveyor-general of the woods and forests.

In 1620 the number and value of the trees in the Forest of Whittlewood is stated to be as follows:—Oak timber trees 50,046, value £25,755; decaying trees 360, value £123 6s 8d. The number of loads of timber is not stated in this survey, bnt the account of the value of the trees enables us in some degree to supply that deficit. The common price of oak timber at that period was about 10s per load. The 50,056 trees then, valued at £25,755, must have contained, one with another, about a load of timber each, and making reasonable allowances for the tops and branches of the trees, there must have been in the forest from 40,000 to 50,000 loads of timber, girt price, or from 60,000 to 75,000 loads, square measure.

| | | | |
|---|---|---|---|
| "The quantity of naval timber felled from 1772 to 1786 inclusive, was 3,158 loads, the produce of which, with the bark and offal wood, amounted to | £8,986 | 17 | 4 |
| Fees, poundages, and expenses, | 1,338 | 8 | 3 |
| Clear produce of navy timber to that time, | £7,648 | 9 | 1 |
| From 1786 to 1790, navy timber was cut as follows:— 2,304 trees, 2,572 loads, and 19 feet, square measure, which, at the then customary measure of £1 18s per load, together with the tops, bark, &c., amounted to | £7,111 | 16 | 4 |
| 2,022 dotard and decayed oaks, and 331 ash trees, sold for payment of officers' salaries, | 1,437 | 14 | 10 |
| | 8,549 | 11 | 2 |
| Less expenses, salaries, &c., | 2,496 | 1 | 0 |
| Clear produce since 1786, | £6,053 | 10 | 2 |
| Ditto of Navy Timber, 1772 to 1786, | 7,648 | 9 | 1 |
| | £13,701 | 19 | 3 |
| Less for expenses, salaries, &c., | 1,353 | 1 | 4½ |
| | £12,348 | 17 | 10½ |

And this sum shews the clear produce to the Crown since the forest was in the hands of the Grafton family, being 85 years, at about an average of about £145 5s 7d a year.

"In 1783 there were growing in this forest, of trees 30 feet and upwards, yielding navy timber, 5,211, measuring 7,230 loads, square measure; and of dotard, decayed, &c., 502, containing 569 loads, square measure. By the same survey it appears that there were 18,617 trees in the forest constantly lopped for the browse of the deer, viz., 6,335 oaks, computed to contain 8,907 loads of timber, square measure, and 12,282 ash trees, containing 3,512 loads; so that the number and quantity of the browsed oaks was greater than that reported to be fit for the navy, of which the number in the coppices was not quite more than three trees to every two acres of land. Between the years 1772 and 1783 there had been felled for the navy 1,461 trees, producing 1,335 loads. If these be added to the trees growing in the coppices at the time of the survey, the number would be still less than two trees to every acre; and if the browse oaks be taken into computation, the whole number of the trees of thirty feet and upwards would be little more than three trees to an acre."

## D.—*The Forest of Salcey.*

"Salcey Forest is situated in the immediate neighbourhood of Whittlebury. Its extent is about 1280 acres; and it is the property of the crown, or rather the crown claims certain rights, some of which are disputed by the Duke of Grafton. The forest seems to have been quite neglected until the beginning of the present century, when the authorities began to plant it; but since that time it has been in a very thriving state, though the annual loss to the public on such a young plantation is very considerable, when compared with the receipts.

"It is chiefly composed of coppice-woods, of which there are 1841 acres. though a considerable number of oaks have been planted. The remainder consisted of 1741 acres of open plains, 127 acres of freehold land, and 32 of detached meadow, making 3741 acres in all. This forest abounds in

deer, many of them the red-deer, who do great damage to the young trees, and whose existence produces habits of poaching and immorality among the people in this neighbourhood. Of the red-deer, the woodman says that they will break through every fence, even though it be seven feet high; and of the influence of the forest on the neighbourhood, the clerk to the magistrates says, 'In its present state it is attended with great disadvantages to the morals and habits of the inhabitants of the adjacent districts and forest parishes.' Wood-stealing is also very common; the offences, we are told, are almost innumerable, for not more than one in twenty is prosecuted; unless the case is very outrageous it is passed over. Even those that do take place entail a heavy expense on the county of Oxford, whose ratepayers have to 'pay the piper.' The crown claims in the forest the rights of soil, timber, minerals and deer; but all the officers are appointed by the ranger, Lord Churchill, who claims the rights of timber and deer. This is founded on a grant made by Charles II. to the Clarendon family, 'to cut heath, fens, fern, bushes, and shrubs in the open forest, and to timber for certain specified repairs.' This right was purchased from the Clarendon family, by the late Duke of Marlborough in 1751, and made over by him to the late Lord Churchill.

"This lord was very tenacious of his rights, or supposed rights; and in 1834 raised an action against the crown for the settlement of the dispute, which was only abated at his death. When ordered by the royal warrant to send the customary annual supply of venison, instead of sending the bucks whole, as they were sent from every other forest, he retained the shoulders, asserting that they were his privilege."

Of the Forest of Salcey, the following account is given in the *Journal of Forestry* (vol. 1, p. 101):—

"Salcey Forest, in the south-east part of Northamptonshire, and on the borders of Buckinghamshire, appears to have been perambulated as early as the reign of Henry III.

and Edward I., and from the official account given of the latter it appears that the limits of the forest had been extended by King John, but that the woods and lawns afforested by that king were disafforested by Edward. But though the forest was thus brought back to its ancient bounds, and though the limits thus established were brought to their original extent and confirmed by usage for more than 300 years, an attempt was made by Charles I. again to enlarge the forest, and a considerable extent of country was added to it; but the Parliament of 1641 again brought it back to its former dimensions. About the close of the last century, the lands considered as forest, over which the Crown was possessed of timber and other valuable rights, extended in length about two miles and a half, and in breadth about a mile and a half, and contained 1,847a. 0r. 23p., about 1,121 acres of which were under timber. The Forest of Salcey was made part of the honour of Grafton, erected in the 33rd year of Henry VIII., and in the 17th year of Charles II.; this, together with the Forest of Whittlewood, was settled on Queen Catherine for life, reserving all the timber trees and saplings for the use of the Crown, and at her death the Grafton family succeeded to her privileges. Among the papers collected by Sir Julius Cæsar (one of the ministers of James I.) is a survey of the timber and wood belonging to the Crown in the county of Northampton, taken in the year 1608, from which it appears that there were at that time growing in this forest 15,274 timber trees of oak, then valued at £11,951, besides 440 decaying trees, valued at £140 13s. 4d. The number of loads is not mentioned, but other documents of the period state that the general price of oak timber was then about 10s. per load, girth measure. The 15,274 oak trees, which were valued at 16s. each, must have contained, one with another, not less than a load and a half of timber, or about 22,911 loads girth measure, which is equal to 34,366 loads square measure. In 1783 the deputy surveyor of woods and forests reported that there were then in this forest only 2,918 oak trees fit for

the navy (including all trees down to 30 feet of timber), containing by computation 3,745 loads of timber, square measure; and only 194 scrubbed, dotard, or defective trees of above 30 feet each, besides browse trees, of which there were 8,266 oak trees, containing by computation 7,338 loads square measure, and 8,914 browse ashes; so that the timber fit for the navy, according to this survey, was little more than one-tenth part of the quantity fit for naval use in 1608. This falling-off was not caused by felling during the last century, but was the ruinous effect of a mixture of opposite interests in the same property, and of the system of mismanagement. Some of the trees called browse trees, for instance, were found to be large and sound trees, fit for the service of the navy. These were lopped to feed the deer, and it is a significant fact that the salaries of the lieutenant and keepers were defrayed chiefly from the sale of browse wood. Again, the warden or deputy warden had the privilege of cutting bushes and underwood in the plains, open ridings, and lawns; and a better plan to prevent a succession of young trees could not be devised, as these need the protection of the bushes to prevent injuries from deer and cattle. The poundage of five per cent. on all moneys coming to the hands of the surveyor-general, and another poundage on the expenditure of those moneys, made it to the interest of that officer to fell the timber and to promote and enhance the expense and repairs and works in the forest. The whole of the actual business of the forest used to be transacted by deputies, and these deputies not acting upon oath, the sales of the wood and timber being wholly under their direction, without any adequate check or control, and the deputies themselves being the buyers of the wood and timber sold by themselves, it needs no further comment to explain the difference in the above figures. These deputies must have had profitable berths, for after they had bought the timber of themselves, they undertook the execution of works and repairs, and were paid according to estimates prepared by themselves. Nor did the keepers

go without their pickings, for they took the stools or roots of the trees felled, which must have put a considerable sum a year into their pockets, although such stools were the undoubted property of the Crown. In short, the administration of the forest seems to have been a merry-go-round of unblushing knavery."

## E.—*Ashdown Forest.*

An immense forest once occupied a great part of the surface of the present county of Sussex. This forest was called by the Britons 'Coit Andred,' and by the Saxons 'Andredes-weald; it was inhabited only by wild boars and by deer. According to the Saxon Chronicle, this wood was of prodigious dimensions; it was 'in length, east and west, one hundred and twenty miles or longer, and thirty miles broad.' In the course of time a large portion of this immense space has been gradually cleared and brought into cultivation. Three forests of some extent, however, still exist—St Leonard's, Ashdown, and Tilgate Forests. St Leonard's contains about ten thousand acres; and Ashdown forest about eighteen thousand acres. Pine, fir, beech, and birch are the principal trees.

"Ashdown Forest has the character of an open heath partially sprinkled with underwood, and rising to a considerable elevation—Crowborough Hill, the highest point, being 804 feet above the level of the sea. From the summit of this hill is presented a splendid panoramic view of the whole range of the South Downs from Beachy Head, the eastern extremity, to the borders of Hampshire; the Isle of Wight appearing like a cloud resting on the sea beyond. The nearest ridge of the Downs is about twenty miles distant; the intervening country, though enclosed and cultivated is deeply wooded."

Of the Ashdown Forest, and the forest of which it formed a large integral part, *The Spectator* writes (15th February, 1879):—

"It is difficult to realise that vast forest, the memory of which is handed down to us in the wealds of our Southern Home Counties. Stretching from the edge of Romney Marsh to the border of Hampshire, the Andredswald, or Forest of Anderida, occupied nearly the whole space between the North and South Downs, covering about a third of Kent, nearly the whole of Sussex except the seaboard, and a considerable slice of Surrey. So densely wooded was this district, that the great Roman roads avoided it; the way from Chichester to London, for instance, passing through Southampton. Devoted, so far as it was used at all, to the rearing of large herds of swine, who fattened on its acorns and beech-mast, it was frequented only by those who attended them; and it remained for centuries after the adjoining parts had become subject to Roman civilisation, a *terra incognita* to both rulers and ruled. Throughout Saxon times but very slight inroads were made upon it, and it would appear that so late as the Conquest very little of it had been brought under cultivation or appropriated to particular owners, since few places situate wholly within the Weald are mentioned in the Doomsday Survey.

"Compare this condition of the country with that now existing, and the contrast is remarkable. So far from the Weald of Kent being now noted for wild and waste, it is exceptionally free from them. No large commons are to be found, villages abound, and are of exceptional size, and the whole face of the country is in individual ownership, and in great part under high cultivation. Though Sussex contains more wood, and is particularly favourable to the growth of oak, yet it is, on the whole, an enclosed county, and does not, like Surrey, for example, abound in heaths and open land. Three fragments of the ancient forest, bearing traces of their descent even in their names, have, however, survived to modern times—the Forests of

St. Leonard's, Waterdown, and Ashdown. Of these, Ashdown Forest is particularly well defined, owing to its having been for some centuries surrounded by a pale. It is a district of triangular form, its base approaching the branch line of railway from East Grinstead to Tunbridge Wells, and its apex lying due south, some three or four miles from Uckfield. About seven miles from Tunbridge Wells, and four from the small town of East Grinstead, it thus lies in the heart of the county, a district comparatively little frequented. Hence most Londoners would probably be surprised to learn that within forty miles of the metropolis there exists a second ancient Royal Forest, comprising at the present moment a slightly larger area of open waste land than the famous Forest of Epping. To speak with accuracy, indeed, Ashdown is no longer a forest, in the legal sense of the term. Originally owned by the Crown, it was granted as a free chase to John of Gaunt, in the fourteenth century, and remained henceforth annexed to the Duchy of Lancaster, until the time of Charles II., when it was formally disforested, and found its way into the hands of some of those speculators in waste land who seem to have sought their fortune in overreaching the inhabitants of rural districts, under colour of the Royal permission and wishes. Popularly, however, its more dignified title has survived, and Ashdown Forest is the only name by which the district is known at the present time. From an early date the forest became the seat of iron-works, and to this fact are no doubt mainly to be attributed the disastrous inroads made from time to time upon its sylvan beauties. In the time of the Tudors, commission after commission was issued to inquire into the waste and destruction of the forest, with always the same result—trees had been felled to make 'coals' for the iron-mills. Even the officers of the forest, the keepers themselves, were generally found to be guilty of this offence, and it may well be imagined that while themselves committing so flagrant a breach of trust, they would not be astute to detect other offenders. In the time of the Com-

monwealth, that most business-like Government carefully surveyed the forest, and determined to make allotments to the large body of persons who enjoyed rights of common over it, and thus buying out their interest, to reduce the residue of the tract to the several and complete ownership of the State. A commission was issued, which actually set out the allotments to be enjoyed by the several parishes extending into the forest, and even went so far as to determine in what proportions the several inhabitants of each parish should enjoy their allotment.

"Whether any inclosures were actually made is doubtful. The forest is scored by banks and ditches in all directions, and it is possible that the allotments of the Parliamentary commissioners may have been thus defined, and even that individuals here and there may have attempted a complete appropriation. However, the restoration intervened before any general inclosnre could be consummated, and the elaborate preparations for cutting up the forest came to naught. They do not appear to have been popular with the inhabitants, for we find no attempt on their part to hold inclosures, nor any petition or memorial to the Crown to give effect to what had been projected. But Charles II. wanted money, and there were not lacking (as we have said) speculative persons who were ready to pay considerable sums. and to take all the expense and trouble of legitimate proceedings for an inclosure of the hands of the Crown, if they could obtain a grant of the royal interest in the forest, and an expression of the royal wish that the forest should, as it was called, be 'improved.' Their procedure was marked by the utmost simplicity. They inclosed large tracts, buying off one or two of the principal land owners of the district by giving them a share in the plunder; and if remonstrance or resistance were made, complained that the inhabitants were frowardly conspiring together to thwart the wishes of the Sovereign to benefit his country by making its wastes productive. The same process took place elsewhere, notably in the case of Malvern Chase. The Com-

moners, however, were not easily over-ridden. They resorted to the equally simple and strictly constitutional step of levelling the enclosures as fast as they were made. Squabbles and litigation ensued, and finally, in the case of Ashdown Forest, matters were settled in 1693 by a decree of the Court of Exchequer, which gave the persons who had then become owners of the soil undisputed enjoyment of about 7,000 acres of the forest land, and declared the commoners to be entitled to the exclusive enjoyment of extensive rights over the remainder. By this arrangement, the area of open forest was reduced from nearly 14,000 acres to 6,400.

"The tract of open land thus left does not lie in one block in the centre of the ancient forest. On the contrary, the lands reserved for the commoners were set out as far as possible at the outside edge, and in the neighbourhood of the villages where the commoners resided. The consequence is that open and enclosed lands are intermixed over the whole area of the ancient forest,—and the line of the ancient pale is still practically, in most parts, the boundary of the district. This combination of enclosure and waste is not without its advantages. The most ardent lover of heath and moorland cannot object to the variety caused by well-wooded enclosures breaking up the open expanse now and again, and in Ashdown Forest there is this special benefit,—that whereas at the time of the division the forest had been nearly stripped of trees, the couple of centuries which have since passed have served to raise a handsome crop of fine beech and birch, where they have been protected by enclosures; while on the open wastes very few trees have survived their infancy, and over wide tracts there is hardly a bush to be seen above the level of the heather and the bracken.

"Indeed, were it not for the enclosures, the greater part of Ashdown Forest, as it now exists, would present few features of incongruity if transferred to the Yorkshire moors. Long ridges of heather, visited by the sea-breezes which have only brushed the tops of the South Downs,

stretch in every direction, affording wide views over a wild and broken country. Moorland streams rising in the bottoms, cut their way through the gravel and and soft stone of the district, often running between steep banks, in which the yellow sandstone, with its ruddier iron veining, forms a delightful background to fern and moss and creeping plants. Here and there, it is true, the forest redeems its pristine character, and protests against classification with moorland pure and simple. Beech and oak scrub occasionally dot the heather; that most lovely of young trees the birch, rises here and there in quaint groupings and fantastic wreathings and bendings of its slender branches; while again and again those faithful denizens of every English forest, the holly and the yew, throw in their dark shading to other leafage, or break the surface of the open heath. In one corner, indeed, there is a genuine oak wood, not of great age, but yet not destitute of those sturdy and rugged beauties which mark the species, and just suggesting what the forest must have been before its mineral wealth caused the destruction of its natural vesture. Still the prevailing characteristic of the open forest are heath-clad hill and wide-stretching moor, and hence the presence of the masses of foliage which have sprung up on the large inclosures sanctioned in the seventeenth century is by no means an unmixed evil. The smaller enclosures, which are dotted about the forest, in some places very thickly, and many of which originated in nothing but encroachments, or to use the more expressive term, 'squattings,' often add to the landscape a charm of their own, the garden well stocked with fruit-trees, and the bright green meadow, with its thick hedge-row, pleasantly varying the slope of the hill, or nestling in the hollow by the side of the stream. And even the cottages, which, like most buildings erected under such circumstances, are crude and hap-hazard enough in their construction, when time has toned down the harshness of their outlines, and the staring red of their tiles, are not out of harmony with their surroundings.

"Various attempts to plant the open forest have from time to time been made by the owners of the soil, but hitherto they have been stoutly resisted by the commoners, and very wisely; for planting meant simply the temporary abstraction of so much of their open common, with great risk of its permanent appropriation. They were not indeed unreasonable in their opposition, but allowed clumps to be left where they were obviously planted for ornament, and not for profit; and the consequence is, that many of the long ridges are broken at their highest points by knolls of beech or pine, imparting that indescribable sense of solitude which is associated with single trees or groups of trees in a wild open country. Recently the ubiquitous Scotch fir has here and there gained a footing on the moors, and with a little encouragement would doubtless soon over-run them. Fortunately, its movements are carefully watched, for experience in the New Forest has shown how disastrously it disfigures woodland scenery when grown in large masses, while the consequences entailed upon the herbage have been found to be equally ruinous. But in a soil which once produced an oak and beech forest, some planting, carried out with discretion, might doubtless be introduced without incongruity or the destruction of the natural features of the forest; and it is to be hopod that by aid of facilities offered by recent legislation, and under the guidance of that love of open spaces as such, which has arisen of late years, as one of the results of our crowding in towns, and the hurry of our lives, some mode of protecting and enhancing the beauty of the district, with due regard to all legal rights, may be discovered. In the meantime, if a tired and smoke-dried citizen wishes for a few days' ramble in a wild, hilly, and open country, accompanied by copious draughts of the freshest possible breezes, he cannot do better than pay a visit to Ashdown Forest."

### F.—*St Leonard's Forest.*

"St Leonard's Forest presents but little of picturesque variety of thicket and glade, of open lawns dotted with spreading trees, and skirted with broken lines of dark wood. The soil, consisting chiefly of hungry sands, is unfavourable to the growth of timber; the trees, therefore, generally are not of large size. But there is great variety in the surface of the forest, which is mostly undulating, and towards the centre swells into ridges of considerable elevation. The long lines of these, rising one above the other, clothed as are their slopes with thick woods, give an air of interest and grandeur to the features of the country. In this central ridge several rivers take their rise, some flowing northwards, and falling into the Thames, and others, in the opposite direction, finding their way through valleys in the Souths Downs into the English Channel. Among the former the chief is the Medway and others sung by Pope:

> 'The chalky Wey, that rolls a milky wave,
> And sullen Mole, that hides his diving flood,
> And silent Darent, stain'd with British blood.'

"Among the latter are the Arun, the Adur, the Ouse, and the Cuckmere, all forming harbours of more or less importance at their outfall on the coast of Sussex. The glens through which the springs which feed these rivers pour their tributary waters are, many of them, exceedingly beautiful.*

### G.—*Tilgate Forest.*

"At one time, iron ore in considerable quantities was dug in Tilgate Forest; and, as it was smelted on the

* In the records of the Harleian Miscellany, the curious reader may discover one which might impress his mind with some terrific ideas of the natural history of the south of England in the seventeenth and eighteenth centuries. It is styled "The True and Wonderful." The portion of the MSS. to which we allude is the "Legend of the Serpent of St Leonard's Forest."

spot with charcoal made from the neighbouring woods, there is no wonder that the timber should have been rapidly thinned. There is a tradition in the neighbourhood, that the massive iron railing which encloses St. Paul's Churchyard was forged from the ore smelted in the forest.* Such things were! Now, half the timber remaining in its woodlands would hardly suffice for the manufacture of the rails of one of the iron roads which traverse it."†

## Section VII.—Sir Henry Spelman's List of English Forests.

The first forest laws of which we have any record were passed in the reign of Canute the Great in 1016, and were extremely severe and savage. The power granted by these laws enabled the kings to enclose any tract of forest they pleased, or to plant new forests; and this power was exercised with the utmost tyranny. Some details have been given of the devastation committed by William the Conqueror, when he formed the new forest in Hampshire. Under the Norman kings the breadth of land covered with forests greatly increased. In the reign of Henry II. there was, according to Fitz-Stephen, a monk who lived at that period, a large forest round London, 'in which were woody groves; in the covers whereof lurked bucks and does, wild boars and bulls;' and these woods remained for centuries afterwards. Sir Henry Spelman, a celebrated antiquary, who lived in the reign of Queen Elizabeth, gives a list of English forests, which, though not perhaps

* According to Cunningham's Handbook of London, this iron railing, of more than 2500 palisades, was cast at Lamberhurst, in Kent, at a cost of upwards of £11,202 0s 6d.

† Up to the year 1720, Sussex was the principal seat of the iron manufacture in England; the consumption of fuel was so great that more than one Act was passed for the preservation of the timber; but the wood still decreased, and by degrees the furnaces were disused, and the manufacture transferred to districts where coal was abundant. The last furnace, at Ashburnham, was blown out in 1827.

absolutely correct, will yet serve to give an idea of the immense tract of land which these forests at one time covered.

| FOREST. | COUNTY. |
|---|---|
| Applegarth | York |
| Arundel | Sussex |
| Ashdown | |
| Bere | Hants |
| Birnwood | Bucks |
| Blackmoor | Wilts |
| Blethnay | Radnor |
| Bowland (Pendle) | Lancashire |
| Bredon | Wilts |
| Bucholt | Hants |
| Cantrelly | |
| Cardeth | Caermarthen |
| Char | Hants |
| Charnwood | Leicester |
| Chut | Wilts |
| Coidrath | Pembroke |
| Copland | Cumberland |
| Dallington | Sussex |
| Dartmore | Devon |
| Delamere | Chester |
| Dean | Gloucester |
| Derefuld | Salop |
| Downe | Sussex |
| Exmere | Devon |
| Feckenham | |
| The Forest | Cardigan |
| Formulwood | Somerset |
| Gaidernack | Wilts |
| Gautries | York |
| Gillingham | Dorset |
| Hatfield | Essex |
| Harwood | Salop |
| Haye | |
| Holt | Dorset |
| Huestoun | |
| Inglewood | Cumberland |
| Knaresboro' | York |
| Kingswood | Gloucester |
| Knuckles | Radnor |
| Leicester | Leicester |
| St. Leonard's | Sussex |
| Lounsdael | |
| Lowes | Northumberland |
| Lune | York. |
| Lyfield | Rutland |
| Mallustary | Westmoreland |
| Mactry | Salop |
| Narbeith | Pembroke |
| Nerach | Somerset |
| New Forest | Hants |
| Do. | York |
| Peak | Derby |
| Pemshaur | Wilts |
| Pickering | York |
| Radnor | Radnor |
| Ruscob | Cardigan |
| Rockingham | Northampton |
| Sapler | |
| Sanernack | Wilts |
| Sherwood | Nottingham |
| Selwood | Somerset & Wilts |
| Salcey | Northampton |
| Waybridge | Huntingdon |
| Waltham | Essex |
| West Forest | Hants |
| West Ward | Cumberland |
| Whichwood | Oxford |
| Whinfield | Westmoreland |
| Wheigthart | |
| Whittlewood | Northampton |
| Whitmey | |
| Wyersdale | Lancashire |
| Windsor | Berks |
| Wolmerwood | York |
| Worth | Sussex |
| Wutmer | Hants |

# PART II.

## DEVASTATING AND DESTRUCTIVE TREATMENT OF ENGLISH FORESTS, AND MEASURES TAKEN TO ARREST THIS.

THE forests and woodlands of the present day in England are but scattered remains of much more extensive forests and woodlands which existed formerly. It may be the case that it is matter of rejoicing that where there was once only densely-wooded forest land, there are now the fruitful field and scenes of busy industry, and marts of commerce, and delectable habitations. But the fact that these lands were once, like the greater part of Europe, throughout their whole extent what the Romans designated a *silva horrida*—a rough and rugged wood, in which dwelt the wild men of the wood—the *savages* of their day—is a fact which demands our attention in considering forests and forestry of England.

Of the existence of woods and woodlands in places in which there are no woods now, we have evidence in names of places indicative of the former wooded condition of these places—in historical notices of woods and forests which have in like manner disappeared—in existing remains of former woods and forests buried deep in peat bogs and marshes, and buried in dry lands which were once in that condition—and in remains of others submerged in the sea. We have, moreover, indications of some of these buried trees having grown in the locality in which they were found, at or before the time of the Roman invasion; and by historical notices and forest legislation, we can trace some of the changes which have been going on from that time to the present.

# CHAPTER I.

## SITES OF WOODS PERPETUATED IN NAMES OF PLACES.

We find in many countries in the names of places a reference to woods, and trees, and woodland scenery. We meet with this in the European designation, *Transylvania;* we meet with it in names of places and reference to woods preserved in the sacred books of the Hebrews indicative that Palestine was of old a wooded country: while the absence of such allusion in their later books—the New Testament Scriptures—seems to indicate that two thousand years ago the woods had disappeared; we meet with the same thing in the name of *Madeira*, the Portuguese word for wood, conferred in reference to the richly wooded state of the island when colonised, and perpetuated, notwithstanding the woods having been not long after that devastated by fire; and we meet with it in old geographical names and terminations of names, etymologically indicative of the places having been situated in woods or groves, though it may be no woods or groves be existing there now. Mr Marsh, in his volume entitled "The Earth as Modified by Human Action," in referring to this, cites the following as illustrative of the fact:—"In Southern Europe, Breul, Broglio, Brolio, Brolo; in Northern Europe, Breuil, and the endings, -dean, -den, -don, -ham, -holt, -herst, hurst, -lund, -shaw, -shot, -skog, -skov, -wald, -weald, -wold, -wood." In England we have not a few of such names,—Chillingham, Chislehurst, Sherwood, St John's Wood, and many others.

Besides these we have places named from different kinds of trees, which it may be supposed gave to the localities a

special characteristic at the times at which these names were given. Passing those cases in which this reference to particular kinds of trees is manifest at first sight—the Oaks, the Elms, the Beeches—we meet with others of older date, in which older forms of the names given to different kinds of trees occur. Thus it is with Bishop Auckland, or *Oakland;* with Bucklands, *Beechlands;* and Buckingham, *Beech Forest.*

These names have occurred to me while writing *Currente calamo.*

The names of places derived from trees and woods with which they were associated have suffered much, as other names of places have suffered, from friction. One may be amused with the difference between the pronounciation and the orthography of such places as Siscister (Cirencester); Chumly (Cholmondoly); Leester (Leicester): and Woster (Worcester).

We find like effects of friction not only in the pronounciation of names of some places, but in the orthography. Thus is it with Shrewsbury. The old British name of the town when it was the capital of Powysland and the residence of the Welsh powers was Pengwern, and many of the streets still bear names which seem to speak of that time, such names as Mardol, Dogpole, Wylecop, and Shoplatch. But the Saxons gave to it the name, of which the modern name Shrewsbury may be considered a corruption, *Scrobbesbyrig,* the Shrubby Hill, or hill covered with shrubs; in which a reference to the shrubby character of the country is apparent, as it is also in the name of the county, Shropshire. In the same county, not far from Leighton, we have a village called Cressage—a curious corruption of the older name, which was Christ's Oak.

Like corruptions of older names are not uncommon, and amongst them may be found not a few such cases of names of places embodying a reference to woods once existent but existing no more. In Cumberland there is a village called

Dregg. In this name the etymologist may perceive a corruption of *Dericht* or *Dregh*, which in Scottish and in Irish is a name given to the oak. The adjacent country was, it is said, formerly thickly covered with oaks, and the remains of ancient forests are at times discovered in cutting drains.

A place of which frequent mention is made in ancient British history is *Quatford*. It is in the centre of a forest district, including the ancient Forest of Morfe and the Forest of Wyre on the confines of Shropshire. It is said that *quat* is the Saxon form of the British *coed*, a forest.

Berkshire was formerly completely covered with a forest, called by the Britons *Berroc*, and from this the county takes its name. Lindhurst is the Lime or Linden Wood; and Lymington sounds as if it had had some connection with the same kind of tree.

In such names of places embodying a reference to woods and woodlands in various parts of England, where it may be nothing to justify the name is now to be seen, we seem to have indications of the country having been formerly much more extensively wooded than it is now; and indications of the places bearing these names having been situated in woodlands.

A word of caution, however, in connection with the use of names of places as evidences of the former existence of woodlands in the locality may be called for. It will, I presume, be admitted by students of such matters that Oakham, in Rutland, is descriptive of the town, as the town in the Oak wood. But we have a town in Devonshire called Oakhamton, which had no connection with any Oak wood: it bears a name which can be traced to a local position not less well defined. It is situatad on the river Okement. A writer in the *Cornhill Magazine* for November, 1882, on *A Corner of Devon*, tells that, in some unpublished manumissions of serfs entered on the fly-leaves of Bishop Leofric's Missal he found what is probably the earliest form of the town's name, Ocmundtun, *i.e.*, the

*tun* or town on the *Ocmund* or Okement; and he remarks, "oddly enough, while the official form has been corrupted into Oakhamton the word on the lips of the countrymen has become Ockington, evidently a change due to the commonness of clan-villages bearing analogous titles," such as Cockington, near Torquay, formerly apparently a colony of the English; and East and West Allington, near King's Bridge, apparently originally settlements of the Altings. For these illustrations I am indebted to the same writer; but they occur in a different connection. In continuation of the passage cited, he goes on to say, "Monk Oakhamton (a different locality) has in like manner turned incongruously into Monk Ockington."

## CHAPTER II.

### Historical Notices of Woods and Forests which are now no more.

Not a few of the woods and woodlands, the names of which have been perpetuated in the names still given to localities, have disappeared within the historic period. In reference to the list of *forests* in England, drawn up by Sir Henry Spelman, and who lived in the reign of Queen Elizabeth, it has been stated that out of the forty counties of England only fifteen, consisting chiefly of those situated on the east coast, did not contain forests, while some counties, such as York, contained five or six. All of these forests must have been woodlands; but a writer in 1853 tells of them:—"Many of the forests here enumerated have now entirely disappeared; though some of them were of great magnitude and extent. The forests of Cumberland are all now 'naked, desolate scenes;' in Lancashire it is difficult to find a grove or glade, or anything at all approaching to the idea of a wood; the great forests of Yorkshire have gone to make room for manufacturing towns and farms, and railroads and canals; and it is only in the middle and the south of England that any traces of royal Forests remain." I quote the statement without expression of feeling either of rejoicing or of sentimental wistful regret that it should be so: it is the fact alone with which I have to do, and in illustration of what has been implied in what has been stated, I may add that the site of the city of London was previously, it is alleged, a grove of chestnut trees of indigenous growth; and William Stephanides, or Fitz-stephan, a monk of Canterbury, who was born in London and lived in the reigns of King Stephen,

Henry II., and Richard I., dying in the year 1191, and who wrote a history of his native town, tells in a passage to which I have already had occasion to refer, of a large forest then existing round London, "in which were woody groves; in the covers whereof lurked bucks and does, wild boars and bulls." For hundreds of years this forest continued to exist; but where is it now?

Fitz-stephan has not only made mention of the forest, but he has given us a glimpse of the recreations of Londoners in this forest in his day, some seven centuries ago. Writing of the sports pursued then on grounds and marshes now densely peopled with inhabitants, he says:—"Cytherea leads the dances of the maidens, who merrily trip along the ground beneath the uprisen moon. Almost in every holiday in winter, before dinner, foaming boars and huge-tusked hogs, intended for bacon, fight for their lives, or fat bulls or immense boars are baited with dogs.

. . . . . .

"Most of the citizens amuse themselves in sporting with merlins, hawks, and other birds of a like kind, and also with dogs that hunt in the woods. The citizens have the right of hunting in Middlesex, Hertfordshire, and all the Chilterns, and Kent as far as the Ruid Craig."* Where could they hunt in these places now?

* It may be interesting to take a glance also at an account given by this writer of the winter sports of the London youths of his day. "When," says he, "that great marsh, which washes the walls of the city—walls marked at the principal points, I may mention, by the great gates of Aldgate Bishopsgate, Cripplegate, Aldersgate and Ludgate—as the north side is frozen over, the young men go out in crowds to divert themselves upon the ice, some having increased their velocity by a run, placing their feet apart, and throwing their bodies sideways, slide a great way; others make a seat of large pieces of ice, like millstones, and a great number of them running before, and holding each other by the hand, draw one of their companions, who is seated on the ice; if at any time they slip in running so swiftly, they all fall down headlong together. Others are more expert in their sports upon the ice, for, fitting to and binding under their feet the shin bones of some animal, and taking in their hands poles shod with iron, which at times they strike against the ice, they are carried along with as great rapidity as a bird flying, or a bolt discharged from a cross-bow. Sometimes two of the skaters having placed themselves at a great distance apart, by mutual agreement come together from opposite sides; they meet, raise their poles, and strike each other; either one or both of them fall, not without some bodily hurt; even after their fall they are carried along to a great distance from each other by the velocity of the motion; and whatever part of their head comes in contact with the ice is laid bare to the skull. Very frequently the leg or arm of the falling party, if he chance to light on either of them, is broken. But youth is an age eager for glory, and desirous of victory, and so young men engage in counterfeit battles that they may conduct themselves more valiantly in real ones."

Mr R. M'William, in a paper which was designed to show that the quantity of timber in Great Britain had greatly diminished, while the demand for it had much increased at the time he wrote, early in the present century, remarks :—

"The repeated political changes in the constitution of our country, before as well as since the Conquest, have tended in succession, though from different motives, to the disforesting of the country. John, and his son Henry III., were both very active in this respect: yet Henry VIII. gave the most fatal blow to the woods, when he seized the church lands, and applied them to his own use. Elizabeth reduced the forests very considerably, though for reasons different from those of Henry.

"The wars in the time of Charles I., the havoc of Cromwell, the persecution in the time of Charles II., and various other causes in the time of William and Mary, tended very much, not only to the destruction of the woods, but to the neglect and discouragement of agriculture generally: and when large tracts of land are once laid waste, the woods, that formerly sheltered them destroyed, and the farm houses and cottages gone to decay, it is no easy matter to restore them, and bring the land again into cultivation. Indeed without planting for shelter, no great advantage would probably be derived from the culture of those dreary, heath-covered wastes. This, however, is no reason why they should not be sheltered and recultivated: more particularly as timber is not only a protection against the inclemency of the climate, but likewise the most effectual bulwark against our enemies.

"A principal object of the first invaders of any country in cutting down the wood is to destroy the retreats and strongholds of the natives; and it is not before a very advanced state of civilization, that the destruction of the forests is considered as the destruction of the instruments of defence, or of the requisites for the national comforts, and for improvements in the arts. Yet the latter appears to have been the object of the Spaniards, when, in 1588,

they were so desirous of destroying our Forest of Dean. It is said that the commander of the Armada, the Duke of Medina Sidonia, was expressly enjoined, if, when he landed, for of effecting a landing they appear to have had no doubt, he could not subdue our nation, and finally make good the conquest, he should at least not leave one tree standing in the Forest of Dean.

"When I began, several years ago, to make minutes, occasionally, on the present subject, I imagined, that the fact of our forests having diminished had been generally known, and universally admitted: but since that time a very respectable body of men have expressed their disbelief of this; and would persuade us, if they could, that there is yet a sufficient supply of oak timber in the country to meet the demand. We know, that exclusive interests often mislead the judgment, create apprehensions of visionary disadvantages, and induce a belief of the existence of facts, which are wholly imaginary. I do not say, that this observation is applicable to the shipbuilders on the river Thames; or that the promulgation of the opinion, that there are yet sufficient native oaks to meet the demand, is merely a temporizing project for preventing the removal of the dockyards from the Thames to the Ganges; yet such an opinion can be of no real advantage to the nation; for most assuredly, to look in the face whatever danger menaces our property, is the first step to subdue it. To inform the nation at large by proclaiming it's difficulties, is the best mode of securing the cordial and indispensable cooperation of the people in the execution of measures commensurate to the impending evil. I shall therefore proceed to show, that the disforested state of the country is not an imaginary, but a real complaint, founded on facts. The following outline of facts, collected from various authorities, I presume will be sufficient, without fully entering into the lengthened detail, which might be done if thought necessary."

He gives the names of some of the woods and forests in

twenty-five counties, of which we find mention made as having adorned the several counties at no distant period, but of which then very few stlll existed. There are named in all twenty-seven. Amongst them are Enfield Forest, St John's Wood, Highbury Wood, and the large and noble forest on the north of London, mentioned by Fitz-stephen, but of which, like the others, no trace appears; Brecknock Forest, with an area of 40,000 acres, which had shortly before been sold by auction, and was a forest no more; Wineal Forest, which had occupied the whole peninsula between the Mersey and the Dee, but which also then was gone; Purbeck Forest, which covered the whole island of Purbeck, as it is called, in Dorsetshire. Most of these are described as 'gone,' or as 'mostly gone,' 'nearly gone,' 'all gone,' 'very few trees, if any—about the middle not a vestige—'a large wood no more;' and he goes on to say:—

"All these have been woods or forests of considerable extent at no very remote period. If we go back as far as Doomsday Book, no less than 1033 woods and forests are there mentioned as existing in five counties alone; those of Derby, Kent, Sussex, Surrey, and York. I have not selected these counties on the supposition that they had been better wooded than others, but wholly because this part of the Book of Doomsday was more accessible to me than that which relates to the other counties. It is, however, difficult to ascertain the extent of many of these woods, on account of their being estimated in many counties by the number of hogs they could feed, and not by the quantity of ground they covered, or the value of the timber they contained; and those woods which did not bear mast and berries, not being in consequence taken notice of generally, I shall only mention a few of the most particular, in the greater part of which there is not now a tree standing, and in many not a shrub."

The counties then mentioned were not included in the preceding list. Of forests in Derbyshire he gives the names of 30, varying in size from 1 mile in length and 1 in breadth,

to 4 miles by 2 miles, 3½ by 2½ miles, 3 miles by 3 miles; and states that these, with others of less note, make in all 147 woods and forests.

Of forests in Yorkshire he gives the names of 116, varying in size from 1 mile long and ½ mile broad to 16 by 4, and 9 by 9, which, with a great many other woods, make in all 366; and, he adds, "One of the smaller woods is Bolton Percy, from which a great part of its timber was given by Lord Percy to the building of the cathedral church at York,* whence it appears that the trees had been large. In taking the woods from Doomsday Book we observe that many of these woods are the whole length or breadth of the manor from which they are named; and the adjoining manor gives its woods a different name, though many of them are apparently only a continuation of the same forest: consequently, if they were taken as they really were in wood, without being divided by the artificial line of manor right, there would appear a much smaller number, but larger in size. This will hold good with the other counties as well as Yorkshire."

Of woods in Kent he gives the names of 49 mentioned in Doomsday Book with others of less note, in all 225 "bearing mast and berry, besides those not bearing mast, many of them of great extent, though not taken particular notice of on account of their yielding nothing for the feeding of swine. One of these bearing no mast near Canterbury contained one thousand acres. All these are exclusive of the royal forests, to which, says he, I now proceed.

"William I. appears to have had in possession 68 forests, 13 chases, and 781 parks, in different parts of England. The number decreased much under his successors, as will be apparent when speaking of forest laws, though Henry VIII. gave the fatal blow to the woods and forests of the country in general, when he seized the church lands &c., and applied them principally to his own use.

* Bawdwin's Doomsday, page 163.

"Elizabeth reduced not only the woods and forests, but the royal domain generally, rather than apply to her parliament for supplies, particularly in the 42d year of her reign, for money to suppress the rebellion in Ireland. This Queen confirmed the Crown lands to many, who held them by titles liable to be controverted. Although the Crown had before given the land in fee, yet the trees were not given: these remained the property of the crown.* Cromwell is said to have raised £10,035,663 by the sale of church lands, and consequently woods; £1,200,000 by the sale of crown lands and principalities; and £656,000 by the sale of forests and houses belonging to the king.

"In our own time the royal domains have been considerably reduced by the sale of the forests of Gillingham, Rockingham, and Brecknock, the latter of which alone contained 40,000 acres.

"All these tended not only to reduce the royal domain, but the forests and woods of the country in general: yet the meagre appearance of the few vestiges that remain is more to be regretted, than the diminution in extent of surface. According to two surveys of the royal forests in 1608–9, and 1783-90, by the former there were found in the forest of Sherwood, 49,909 oak trees,† by the latter there appeared only 10,117. The other royal forests had been still more reduced, as the diminution on the whole is stated to have been in the proportion of six to one.

"Of the few royal forests that remain, I have endeavoured to obtain information of the number of acres, but have not been so successful as I could have wished."

He gives the names of eighteen, with the reputed area of eight of these, and he goes on to say—

"According to this account, the extent of the nominal royal domains still appears very considerable: a large portion of each, however, is not actually at the disposal of the

---

* See Fitzherbert's Abridgment in Trespass.
† Lowe's View of the Agriculture of Nottingham.

crown, but subject to manorial and common rights, and no inconsiderable portion has been private property for ages past.*

"The whole of the once extensive royal domains, now appropriated to the growth of timber for the navy, is stated to be about 38,000 acres; a diminutive portion indeed! The average quantity of timber which the whole of the royal forests have furnished for the seven years preceding 1815, according to the report of the Commissioners, was 4247 loads per year and in that year they supplied only 4110 loads."

Mr M'William, in introducing the subject, remarks:—

"On account of the vast increase of our manufactories, the consumption of timber is also greatly increased; so that even could we suppose the country to be as completely forested now, as it was some hundred years ago, this would be insufficient to meet the present demand, without reducing the quantity very rapidly, or having recourse to planting. Yet from the notion that timber will grow only in particular situations, many are deterred from planting; which has also been checked by bringing into cultivation lands that have for many years been covered, sheltered, and fertilized by the growth of timber. But the agriculture of the country has been little increased in *extent of surface* by this proceeding: for extensive tracts of land, formerly cultivated, have now, in consequence of the loss of these very woods, become more exposed and bleak, and have been rendered barren by this exposure. Thus while the woodlands have been converted into cornfields, the cornfields have been converted into barren ground; as is evident from the marks of the plough yet to be seen on many extensive plains, now covered with heath and furze, not yielding a shilling a year per acre."

* By a survey of the Forest of Sherwood in 1609, according to Mr Robert Lowe, (View of the Agriculture of Nottingham), it was found to contain 95,117 acres, 3 roods, 36 poles; yet this surface was occupied by no less than 46 towns or villages, several of them of considerable magnitude.

Details of historical allusions to some of the forests which have disappeared are not awanting. Of these the following are a few :—

### A.—*Notices of Forests formerly existing in the Northern Counties of England.*

The anonymous author of *English Forests and Forest Trees*, tells : "The greater part of the north of England was, at no very distant period, covered with numerous forests. These seem to have been used chiefly for the purposes of the chase, as we find little account of the timber contained in them being applied to any public purpose. The names of these forests still remain, and are in use still. In Westmoreland we have Milburn, Lime, Whinfield, Martindale, Thornthwaite, Stainmore, and Mallerstang. All these are situated in a very mountainous district, and they are now mere waste heaths. In Milburn Forest, in the north, rises Crossfell, one of the highest mountains in England. On the borders of Mallerstang stand what remain of the ruins of Pendragon Castle, on the banks of the Eden. The celebrated hero, Uter Pendragon, tried to turn the course of the river Eden, so that it might flow in a circle around his castle; but the fierce, bold baron was no engineer, and seems to have been terribly ignorant of hydrostatics, and of course he failed. This forest was famous in former times for its great numbers of wild boars, which the name Wild Boar Fell attests to this day. It is a curious fact, that close by both Stainmore and Mallerstang there are two little narrow strips of ground, the possession of which is disputed between little Westmoreland and large Yorkshire. Neither of them seems to be at all worth any dispute.

"In Cumberland we have still the names of Nicol, Copeland, Skiddaw, Inglewood. There is also on the eastern border a large waste with the singular name of Spade-Adam, which has evidently at one time been a forest; and

a little south from it is a small district joining on to Northumberland, called the King's forest of Geltsdale. All these forests are now mere desolate scenes. The trees have disappeared, the game has gone, and their history is in a great measure lost. In the Forest of Skiddaw rises the mountain which bears that name, famous as a landmark all over the north country. In Inglewood Forest the English kings used to find very good sport in hunting; and Nicol Forest, being close to the Cheviot Hills, was the scene of many a border fight.

"In Northumberland the border adjoining the Cheviot Hills was covered with forest; and in the centre and south were Rothbury, Lowes, and Hexham Forests. Connected with these there are few historical incidents. The chief is the well-known adventure which Queen Margaret of Anjou had with a robber in the forest of Hexham."

In connection with this, I may mention that near to the village and College of St Bees is what was once the barony and forest of Copeland, formerly tenanted by red deer, and, as the old chronicler says, "as great harts and stags as in any part of England. So thick was the forest, that we are told that a squirrel might travel from tree to tree for six miles without once touching ground."*

* For more than twelve hundred years St. Bees has been the site of a religious house, and in the records occur incidental allusions to the forest. It was first established by Christian missionaries from Ireland. The old writer whom I have quoted, tells, in his quaint style, "There was a pious religious Lady-Abbess, and some of her sisters with her, driven in by stormy wether at Whitehaven, and [the] ship cast away i' th' harbour, and so destitute; and so she went to the lady of Egremont Castle for reliefe. That lady, a godly woman, pitted her distress, and desired her lord to give her some place to dwell in, which he did at new St. Bees, and she and her sisters sewed and spinned, and wrought carpets and other works, and lived very godly lives, as gott them much love. She desired Lady Egremont to desire her lord to build them a house, and they would lead a religious life together, and many wolde joine with them, if they had but a house and land to live upon. Wherewith the Lady Egremont was very well pleased, ane spoke to her lord, he had land enough, and [should] give them some, to lye up treasure in heaven. And the lord laughed at the ladye, and said he would give them as much land as snow fell upon the next morning and on midsummer day. And on the morrow looked out of the castle window to the sea-side, two miles from Egremont, all was white with snow for three miles together. And thereupon builded this St. Bees Abbie, and gin all these lands was snowen unto it, and the town and haven of Whitehaven, and sometime after all the tithes thereabout, and up the mountains, and Merdale forest eastward."

It is the difference between the former and the present condition of these forest lands which chiefly concerns us here, but the historical and legendary lore connected with almost all of the forests of England—and with these, in common with others, forcibly constrains one to digression, which may be tolerated and enjoyed—as chase might have been given to a wild boar by some passing traveller, willing to risk the consequences, be these what they might.

The anonymous writer just quoted goes on to say:

"It may readily be supposed that, considering the extent of those woods on both sides of the border, and their plentiful supply of game, the borderers became hunters, and that the two nations very often came into contact with each other, tending to incessant and interminable border feuds. The hunter was a warrior, and he never rode out 'to hunt the deer' without a sufficient escort of armed men. The barons kept up a large retinue, fit on any occasion for offence or defence. In the forests themselves roved numbers of minor 'Robin Hoods,' who were the terror of the district, and levied 'black-mail.' This race was not extinct even so late as 1720, for black-mail was actually paid in that year. This disposition to hunting was often taken advantage of as an excuse for assembling a body of armed men, and making a sudden incursion into the neighbouring country. But their movements were closely watched; each party knew the other's tactics, and the usual result was a determined fight, in which neither lives nor limbs were spared on either side. The old ballad of *Chevy Chase* is founded on an incident of this kind.

"Living such a life, it may well be supposed that the

---

The peaceful mission flourished till the Danish sea-rovers came and laid it waste, and save that a bell in Croyland Abbey was called Beza—the name of this Abbey—the name was well nigh forgotten. Five centuries rolled away, and on the spot arose a Benedictine Priory; and the monks had grants of land, and tithes, and everything in the forests except "hart and hind and boar and hawk," and liberty to take "xiv. salmons." But the monks fared little better than did the nuns; and they suffered from the ravages of Scottish marauders. In 1315, during the invasion by Robert the Bruce, a party under James Douglas pillaged the priory and the manors; and we may imagine the indignities, if nothing worse, which the fathers had to undergo, from a passage in Ivanhoe, when Wamba says, "Pray for them with all my heart, but in the town, not in the greensward, like the Abbot of St. Bees, whom they caused to say mass with an old rotten oak tree for his stall."

borderers became a fierce lawless race. Not only had they feuds with their neighbours over the border, but they had perpetual feuds among themselves, which even to within a recent time they still fought out at the point of the sword. The forests passed away, England and Scotland were united under one crown; but the wild passions of these lawless men were transmitted from father to son with undiminished fury. A few anecdotes we have culled from various sources will illustrate this.

"In introducing his readers to some passages in the life of Bernard Gilpin, his namesake, William Gilpin, gives some notice of the borderers. 'Our Saxon ancestors,' he says, 'had a great aversion to the tedious forms of law. They chose rather to determine their disputes in a more concise manner, pleading generally with their swords. 'Let every dispute be decided by the sword' was a Saxon law. A piece of ground was described and covered with mats; here the plaintiff and defendant tried their cause. If either of them were driven from this boundary, he was obliged to redeem his life by three marks. He whose blood first stained the ground lost his suit. This custom still prevailed in the time of Queen Elizabeth, where Saxon barbarism held its latest possession. These wild Northumbrians indeed went beyond the ferocity of their ancestors. They were not content with a duel; each contending party used to muster what adherents he could, and commence a petty war. So that a private grudge would often occasion much bloodshed.' And these statements of the modern biographer are fully borne out by the auther of the *Survey of Newcastle, in Harleian Miscellany*, vol. iii.: 'The people of this countey have had ane very barbarous custom among them. If any two be displeased, they expect no law, but bang it out bravely one and his kindred against the other and his. They will subject themselves to no justice, but in an inhuman and barbarous manner fight and kill one another. They run together in clans, as they term it, or names. This fighting they call their deadly feides.'

"Pre-eminently barbarous among this lawless community were the wild townsmen of Rothbury, in the Forest of Rothbury. Of their manners we have a sample in the following anecdotes:—*

"'One Sunday, when Mr Gilpin was preaching in the church of Rothbury, two parties of armed men met accidentally in the aisle; and being at feud, they instantly prepared to decide their differences on the spot, and desecrate the house of God by making it the theatre of a bloody contest. Mr Gilpin rushed from the pulpit, and fearlessly interposed his own person between the infuriated combatants, who were advancing upon each other sword in hand, and by a burst of holy eloquence arrested the conflict, and obtained a promise from the leaders on both sides, that they would not only respect his presence and the church, but also would sit out the sermon. The preacher then remounted the pulpit, and such was the fervour of his impassioned address that, although he failed to heal the feud entirely, he received an assurance—and it was faithfully kept—that while he remained in Rothbury not a blow should be stricken, nor an angry word be exchanged.

"On a subsequent visit, through the neglect of a servant, his horses were stolen; and when the robbery was bruited about, the greatest indignation was expressed by his wild and lawless congregation. The thief, who neither knew nor cared, like a true borderer, to whom the horses belonged, accidentally heard they were the property of Mr Gilpin. Instantly he led them safely back, restored them with an humble request to be forgiven, which he accompanied by a declaration that he believed the devil would have seized him on the spot had he knowingly dared to intermeddle with aught that belonged to so good a man.

"Bishop Grindal has also shewn the state in which the

* Bernard Gilpin, nephew of Tunstal, Bishop of Durham, was in the habit of periodically visiting them for their spiritual welfare.

people of this part of the country was in about the middle of the sixteenth century. Upon his translation to the see of York, in 1570, he issued some 'injunctions;' among which it was ordered that no pedlar should be admitted to sell his wares in the church-porch in time of service; that parish-clerks should be able to read; that no lords of misrule, or summer lords and ladies, or any disguised persons, morrice-dancers, or others, should come irreverently into the church, or play any unseemly parts with scoffs, jests, wanton gestures, or ribald talk, in the time of divine service.

"In 1430, Bishop Langley issued an order to prevent hostile clans fighting out their feuds in the churchyards; but it had no effect. Another was issued afterwards which was equally disregarded. Perhaps it was because the bishops did not point out some other place for the fighting; for all they seemed to care about was, that there should be no fighting in the churchyard. Not more than a century and a half ago, a descendant of some of these notorious freebooters, in the north of Northumberland, instead of taking up the practice of *breaking* bones and bodies, took up that of *healing* them. But 'the old man' was strong in him, and many a raid directed against inoffensive cattle and poultry did he make (so the rumour went) when he was out on horseback on dark nights visiting patients. One night this worthy man was at supper with a lady; and while enjoying her hospitality, three of his followers, probably apprentices, were 'conveying' the contents of the pigeon-house. Another curious anecdote, shewing the brutality of the people of the district, is quoted in Mr Surtees' *History of Durham*.

"'Mr Gylpyn (rector of Houghton le Spring) did preach at one churche in Redsdale, wher ther was nayther mynister nor bell nor booke—and he sent the clarke to gyve warnyng he would preach—and in the meane tyme thare camme a man rydyng to the church style, havynge a dead chyld layd afore hym over hys sydll cruche, and cryed of Mr Gylpyn, not knowing him, 'Come, parson, and

doo the cure,' and layd downe the corse and went his waye, and Mr Gylpyn did berye the childe.'

"The *History of Halifax in Yorkshire*, published in 1712, sets forth 'a true account of their ancient, odd, customary gibbet-law; and their particular form of trying and executing of criminals, the like not us'd in any other place in Great Britain.' This law prevailed only within the Forest of Hardwick, which was subject to the lord of the manor of Wakefield, a part of the Duchy of Lancaster. If a felon were taken within the liberty of the forest with cloth, or other commodity, of the value of thirteenpence-halfpenny, he was, after three market-days from his apprehension and condemnation, to be carried to the gibbet, and there have his head cut off from his body. When first taken, he was brought to the lord's bailiff in Halifax, who kept the town, had also the keeping of the axe, and was the executioner at the gibbet. This officer summoned a jury of frith-burghers to try him on the evidence of witnesses not upon oath; if acquitted, he was set at liberty upon payment of his fees; if convicted, he was set in the stocks on each of the three subsequent market-days in Halifax, with the stolen goods on his back, if they were portable; if not, they were set before his face. This was for a terror to others, and to engage any who had aught against him to bring accusations, although after the three market-days he was sure to be executed for the offence already proved upon him. But the convict had the satisfaction of knowing, that after he was put to death it was the duty of the coroner to summon a jury, 'and sometimes the same jury that condemned him,' to inquire into the cause of his death, and that a return thereof would be made into the crown-office; 'which gracious and sage proceedings of the coroner in that matter ought, one would think, to abate, in all considering minds, that edge of acrimony which hath provoked malicious and prejudiced persons to debase this laudable and necessary custom.'

"In April 1650, Abraham Wilkinson and Anthony

Mitchell were found guilty of stealing nine yards of cloth and two colts, and on the 30th of the month received sentence 'to suffer death, by having their heads severed and cut off from their bodies at Halifax gibbet;' and they suffered accordingly. These were the last persons executed under Halifax gibbet-law.

"The execution was in this manner: the prisoner being brought to the scaffold by the bailiff, the axe was drawn up by a pulley, and fastened with a pin to the side of the scaffold. 'The bailiff, the jurors, and the minister chosen by the prisoner, being always upon the scaffold with the prisoner. After the minister had finished his ministerial office and Christian duty, if it was a horse, an ox, or cow, &c., that was taken with the prisoner, it was thither brought along with him to the place of execution, and fastened by a cord to the pin that stayed the block; so that when the time of the execution came (which was known by the jurors holding up one of their hands), the bailiff or his servant whipping the beast, the pin was plucked out, and execution done; but if there were no beast in the case, then the bailiff or his servant cut the rope.

"But if the felon, after his apprehension, or in his going to execution, happened to make his escape out of the Forest of Hardwick, which liberty, on the east end of the town, doth not extend above the breadth of a small river; on the north, about six hundred paces; on the south, about a mile; but on the west, about ten miles; if such an escape were made, then the bailiff of Halifax had no power to apprehend him out of his liberty; but if ever the felon came again into the liberty of Hardwick, and were taken, he was certainly executed.'

"One Lacy, who made his escape, and lived seven years out of the liberty, after that time coming boldly within the liberty of Hardwick, was retaken, and executed upon his former verdict of condemnation.

"The records of executions by the Halifax gibbet before the time of Elizabeth are lost; but during her reign

twenty-five persons suffered under it; and from 1623 to 1650 there were twelve executions.

"The grant of this criminal jurisdiction is said to have been given to that part of the part of the parish of Halifax called the Forest of Hardwick, for the purpose of protecting the goods which were obliged to be exposed on tenters during the night—Halifax having then been a great manufacturing district for shalloons, &c. (See Watson's *History of Halifax.*)

"A singular legendary story is connected with the Forest of Whitby, in Yorkshire. On Ascension-day (the 16th of October), 1140, William de Bruce, the lord of Uglebarnby, Ralph de Percy, the lord of Snayton, and a gentleman freeholder called Allotson, met to hunt the wild boar in a wood called Eskdale-side, a portion of the forest belonging to the abbot of the monastery of Whitby.

"The hunters soon found a huge animal of the kind they had been in search of, and the hounds ran him very hard near the chapel and hermitage of Eskdale-side, where there was a monk of Whitby, who was a hermit. The boar being closely pursued, rushed in at the chapel-door, and there lay down and expired immediately. The hermit, hoping to save the holy place from desecration, closed the door before the hounds could enter, and then returned to his meditations and prayers, the hounds standing at bay without. When the hunters arrived opposite to the chapel, they called loudly and threateningly to the monk, who opened the door. At the sight of the dead boar, they, in a fury because the dogs had been put out of their game, rushed upon the poor monk with their boar-spears, and grievously wounded him. When their passion had cooled, and they became aware of the extremity of the danger of the hermit, they hastened and took sanctuary at Scarborough.

"At that time, however, the abbot of Whitby monastery was in great favour with the king, and had sufficient interest with him to get them removed from sanctuary,

whereby they came under the cognisance of the law. The punishment which was their due was death.

"But the hermit, being a holy man, and being at the point of death, sent for the abbot and desired him to have the guilty men brought before him. They came; and he thus addressed them:

"'I am sure to die of these wounds —'

"The abbot, interrupting him, said, 'They shall die for it.'

"'Not so,' replied the hermit, 'for I will freely forgive them my death if they will promise to perform this penance.'

The men eagerly bid the dying man enjoin what he would have them do.

"'You and yours,' replied he, 'shall hold your land of the abbot of Whitby and his successors in this manner: that upon Ascension-day even, you, or some of you, shall come to the wood of Strayheads, which is in Eskdale-side, and the same (Ascension-day) at sun-rising, and there shall the officer of the abbot blow his horn, to the intent that you may know how to find him, and deliver unto you, William de Bruce, ten stakes, eleven street-stowers, and eleven yadders, to be cut with a knife of a penny-piece; and you, Ralph de Percy, shall take one-and-twenty of each sort, to be cut in the same manner; and you, Allotson, shall take nine of each sort, to be cut as aforesaid, and to be taken on your backs and carried to the town of Whitby, and to be there before nine o'clock of the same day before mentioned; and at the hour of nine o'clock, if it be full sea, to cease their service, as long as till it be low water; and at nine o'clock of the same day, each of you shall set your stakes at the brim of the water, each stake a yard from another, and so yadder them with your yadders; and to stake them on each side with street-stowers, that they stand three tides without removing by the force of the water. Each of you shall make at that hour in every year, except it be full sea at that hour, which when it shall happen to come to pass, the service shall cease.

You shall do this in remembrance that by your means I have been slain. And that you may the better call to God for mercy, repent yourselves, and do good works. The officer of Eskdale-side shall blow—'Out on you! out on you! out on you!' for this heinous crime of yours. If you or your successors refuse this service, so long as it shall not be a full sea at the hour aforesaid, you or yours shall forfeit all your land to the abbot or his successors. This I do intreat, that you may have your lives and goods for this service; and you to promise, by your parts in heaven, that it shall be done by you and your successors, as it is aforesaid.'

"'I grant all that you have said,' exclaimed the abbot, 'and will confirm it by the faith of an honest man.'

"Then the dying hermit said—'My soul longeth for the Lord; and I as freely forgive these gentlemen my death as Christ forgave the thief upon the cross. Into thy hands,' continued he, 'O Lord, I recommend my spirit; for thou hast redeemed me out of the bands of death, O Lord of truth.'

"'Amen!' responded the abbot and the repentant sinners, as the good hermit fell asleep.

"Regarding the Forest of Knaresborough, which may be said to exist now only in name, or in enclosed patches, a curious circumstance occurred in the year 1850. While some labourers were at work in a field that had once formed part of the forest, the ground suddenly gave way, and exposed to view a cave, which contained a great number of bones, which on investigation were found to be both human and animal. The skeletons of four or five human beings could be distinguished; the complete skeleton of a dog was found, and the other animal bones consisted of those of deer and other wild beasts of the forest. It was quite clear that this had been the abode or the refuge of some family in very lawless times, when the forest offered an asylum, and that most probably at night some landslip had happened to block up the cave and leave the unfortunates to perish. What tales these old forests could tell!"

B.—*Notices of Forests formerly existing in Lancashire.*

Mention has been made of the Earl of Lancaster, in the times of Edward II. and Edward III., having had a forest in the counties of York and Lancaster, in which he is said to have exercised the Forest Laws as fully as any sovereign. In reference to forests in Lancashire, the author of the work, *English Forests and Forest Trees*, published anonymously, states:—

"The forests of Lancashire belong to history. Few traces of any that previously existed can be found now. The numerous mosses, such as Chat Moss, &c., with which it abounds, indicate the existence of extensive forests at a very early period. Those of which we have accurate accounts were chiefly situated in the northern and eastern parts of the county; that is where it is most mountainous and borders upon Yorkshire. The two principal forests were those of Blackburnshire and Bowland, both belonging to the honor of Clitheroe. They were, however, divided into the forests of Pendle, Trawden, Accrington, and Rossendale; and after the marriage of Thomas of Lancaster with Alice de Lacey, they came into the possession of the Duchy of Lancaster, and the forest then went by the name of the Forest of Lancaster. Another forest, that of Pickering in Yorkshire, also belonged to the same duchy; and so strictly and impartially were the forest laws carried out in both, that the records of these two forests became the highest authority on that complicated scheme of jurisprudence, the law of the forest. In 1311, the entire annual profits of these four forests was estimated at £4 5s 8d. The Commissioners of the Commonwealth valued them as worth £559 0s 5d per annum, as 'part of the possessions of Charles Steuart, the late king.' In 1651, they were all sold to Adam Baynes for the sum of £6853 16s 1d. Since that time their character as forests has entirely disappeared; the steam-engine and the power-loom having cleared all before them.

"The wealthy magnificent abbey of Whalley once stood in this forest. It was founded about the twelfth century by some Cistercian monks from Stanlaw in Cheshire, and its erection cost £3000. This amount will give some idea of its magnificence; for though such a sum would not in our day go far towards the erection even of a church, yet when the wages of labour were only twopence per day, when the adjoining forest supplied nearly all the timber, and plenty of fine sandstone was to be had in the neighbourhood, we can imagine the scale of splendour on which the edifice could be reared. These old monks were almost unerring judges of the places best fitted for residence, where all the physical comforts of life could be had. The situation was warm, and at the same time picturesque, the soil was fertile, the neighbouring forests supplied deer and all kinds of game in great plenty, and the streams were well stocked with delicious fish. The monastery was suppressed by Henry VIII., and it is now in ruins; but many of the parts remain entire, and give a slight idea of the fallen splendour whose memory they preserve.

"The Forest of Pendle has acquired a considerable degree of notoriety from some old traditions and stories connected with the witches who at one time were supposed, by the people in the neighbourhood, to inhabit it. These stories have acquired a kind of historical interest from their having been made the basis of the trial for witchcraft of eighteen poor women at Lancaster in 1633.

"At that period the people of England were infected by a witch-mania, which caused the cruel suffering of many innocent people. For a woman to be old and ugly, to live alone, to keep a cat, and to have some peculiarity in her manner, were sufficient to cause ignorant and senseless people to set her down as a witch. If any calamity happened in the neighbourhood, the people immediately attributed it to the so-called witch. The poor woman was seized, and usually met her death either at the hands of a fanatical mob or through the verdict of as fanatical a jury.

The originators of the most notorious witch-trials in the Forest of Pendle were a man named Robinson, a wood-cutter, and his son, both of whom seem to have been scoundrels of the very deepest dye. Robinson's story was, that he was on his way to Burnley to pay some money early one morning; it was dark, and the road was very bad, and the traveller was very tired and weary. A terrible storm came on, thunder, lightning, and rain; and Robinson, on looking up at a crag that overlooked the road he was travelling, saw, or thought he saw, by the glare of the lightning, the most terrible witch in Pendle. He trembled all over, and presently felt something rubbing his legs. This he found to be a tremendous black cat with eyes darting flames. This cat spoke to him in good English, and said, 'You cursed my mistress two days ago; she will meet you again at Malkin tower;' the mistress doubtless being the terrible witch who sat on the crag looking on. The witch and the cat then set off for the forest.

"The story told by the son was much longer, more full of details and romance, and with a great deal more of the horrible. On the night before the father went on his journey young Robinson went into the forest to gather some berries. He had not been engaged in this pursuit long, when two beautiful greyhounds came up with collars of gold. He thought this a good opportunity to have a hunt; and a hare being started, he tried to urge the hounds to follow, but in vain. The dogs would not stir. He then struck them to urge them on; whereupon one was suddenly transformed into Moll Dickenson, a reputed witch in the neighbourhood, and the other into a little boy. Young Robinson tried to run, but the touch of the witch fixed him to the earth. She offered him some money to hold his tongue; but he refused it with the strongest feelings of superstitious horror. Immediately on his refusal, Moll took a string and flung it over the boy, who immediately became a white horse, and Robinson soon felt himself seated on the horse in front of the witch.

They soon arrived at a house in the forest, where it was currently reported 'the witches' Sabbath' was kept. About fifty hags were here, all making ready for a carousal; and a young comely damsel brought to Robinson a delicious-looking steak on a golden dish. The first taste, however, was enough, the meat was so disgusting. Robinson next found himself in a barn, where six witches were pulling vigorously at ropes attached to the roof, and at every pull down came the choicest and richest articles of food. A vast cauldron then rose, and such rites as are described in *Macbeth* were performed around it; and after some other horrible incantations, young Robinson made a desperate attempt to escape. He got out of the barn and fled, pursued, like Tam o' Shanter, by the whole troop; but they did not catch him, and he reached home in the most pitiable and forlorn condition. He raved for a whole week about the witches, &c., and what he had seen, and his father forsook his usual employment and would scarcely speak.

"In our days the matter would have ended here. The country people might perhaps think the story true, and people who believe in mesmerism and clairvoyance might think it a subject of anxious enquiry; but with the general public the two stories would be set down either as fabrications or the creations of a diseased imagination. At all events, they would never reach a court of law, or lead to the loss of life. But in those times it was different; on the bare evidence of these Robinsons eighteen persons were tried at Lancaster, seventeen were found guilty, and six were actually hanged. One of the poor women was so terrified at her position, that she actually confessed herself a witch, and told most circumstantially all about her relations with the devil. It was afterwards found that the story of the Robinsons was a pure fabrication; but, to shew the justice of those times, nothing was done to them, and any one who threatened Robinson or his son with exposure and punishment was threatened in turn with being denounced as a warlock or a witch.

"'The Lancashire Witches' is a standing toast at every public dinner in Lancashire; but it is now applied to a race of the finest and handsomest women in England.

"We turn gladly to some more pleasing and civilised scenes connected with these forests.

"In the centre of the forest of Pendle, on a high elevation, is the source of the river Irwell. For centuries it must have been surrounded by woods; and many a time the dun-deer may have stopped to drink of its waters, or the forest-keepers wandered by its banks, in blissful ignorance of what the future would disclose of the mighty importance and value of that stream. But now the scene is changed; the country still to some extent preserves a wild and woodland appearance, but you can stand at the source of the river and watch its current until it has brawled along a few hundred yards, when the infant river is compelled to work and drive the first mill on its shores. From thence, in its course of about 25 miles, its powers are unceasingly taxed as it flows past the town of Bacup, —the first on its course,—through Rossendale, and on by Bury to Manchester; and from thence, dirty, weary, and polluted, it flows into the Mersey, and finds oblivion in the Irish Sea.

"The beautiful valley of Rossendale, though its forests and deer are gone, and the hunter's and the baying dog are no more heard, yet is still lovely and picturesque. A single line of railroad connects it with the trunk-line of the East Lancashire. Numerous cotton-mills are seen, much more cheerful-looking, and less smoky, than they are in towns; pleasant-looking, and cleanly-kept rows of workmen's cottages, here and there larger buildings, evidently belonging to the aristocracy of the dale, and several churches and schools appear on the hill-sides. But perhaps the most interesting and romantic object of all is at the entrance to the dale, being merely a round tower erected on a high hill. Here, it is said, a poor man from Scotland and his sons, halted one day, about the end of the last century, on

their weary wanderings for employment, tired and dejected. The cotton-manufacture was then beginning to rise in importance; the man and his sons obtained employment, and it was not long ere they could again look down that dale and see their own factories, their own workmen's houses, and churches and schools built by them for their workpeople and their children. On the spot where they halted this tower was built, and it stands prominently out in the landscape as a beacon-tower of hope to the fainting and the weary, an encouragement to the persevering, and a fresh stimulus to the brave."

### C.—*Notices of Former Forests in Cheshire.*

The old Roman road from Northwhich to Chester led through a dense forest, and the anonymous author which I have quoted tells:—

"The whole of this country seems to have been at one time a forest. We read of the ancient forest of Macclesfield, that occupied a large portion of the eastern side of the county, but which has now, in a great measure, given place to villages and factories. Westward from it was the Forest of Delemere, and still further west was the Forest of Wirrall, which most probably covered the whole of the peninsula of that name between the estuaries of the Mersey and the Dee. The last, with the exception of a few places on its borders near the sea, was, up to the time of Edward III., 'a desolate forest and not inhabited.'* It was disafforested by the king.

"Of the Forest of Macclesfield we have little, if any thing, to say. As a forest, it has long ceased to exist. The Forest of Delamere is, however, invested with more interest, and with it are connected some very curious passages in history. The district in which it is situated was originally inhabited by the British tribe, the *Cornavii*,

* Camden.

who seem to have been somewhat less fierce and more tractable than the rest of the painted savages who were once masters of our island. It does not appear that they were dispossessed of their territories when the Romans came, but rather that they entered the Roman service, for we find traces of the camps of the Cornavii cohorts during the period of Roman occupation. To the Romans this district must have been very valuable. Their principal outposts for keeping in check the mountaineers of Wales was at Chester, a few miles to the west of the forest; and their most abundant supply of salt was obtained from Northwich. A few miles to the east the old Watling street ran from Chester to Northwich through the forest, and joined the great main road that passed through Warrington. The present turnpike-road takes, with a few variations, precisely the same course. The forest must also have been useful to the Romans in providing timber for the construction of their galleys, as they were obliged to maintain a fortified seaport and a number of vessels on the shores of Wirrall, at the mouth of the Dee, in order to keep open their communications by sea with Chester. When the Saxons came, this part of the country formed a portion of the kingdom of Mercia. Delamere forest seems under them to have been little regarded, for we have no accounts of its being famous for the pleasures of the chase or of its containing a large population. About the year 900, however, Ethelfleda built a town called Eddisbury, in the very heart or 'chamber' of the forest, which soon became populous, and famous for the happy life led by its inhabitants. Though all vestige of this once happy town has now disappeared, yet its name remains, and its site in the chamber of the forest can still be pointed out. And certainly a finer site the Lady Ethelfleda could not have chosen. It was placed on a gentle rising ground in the centre of the forest, overlooking finely wooded vales and eminences on every side. A little brook rippled through a small valley, and the old Roman road wound its way round the eminence on which the town was built. This antique

Saxon lady seems to have had a strange passion for building, as we are told she not only built this town, but that she also built fortresses at Bramsbury, Bridgenorth, Tamworth, and Stafford, and most probably would have built many more had she not died at Tamworth in 922.

"The few scraps of information that can be picked up about this old Saxon town, merely seem to excite a curiosity which there are no possible means of gratifying, and to show how little in reality we know of the history of our own country. The building, inhabiting, and decaying of this town of Eddisbury, in the heart of an old English forest, is most certainly not a fable. Ethelfleda was not a mythical personage; she helped to rule a kingdom, fought and won battles, died a natural death, and does not the old Saxon chronicle say that 'her body lies at Gloucester, within the east porch of St Peter's Church?' It is not every historical personage of whose existence such clear proofs can be given. What a treasure it would be if we could find some old history of this town, or how greatly would our knowledge be extended if we could call back to life 'the oldest inhabitant,' and question him about this forgotten town! Interesting would it be to know how they lived, if they tilled the ground or hunted in the forest, or sent their swine to fatten on the acorns; if they spun wool or made butter and cheese, and ever took them to market at Chester, or ever went to buy salt at Northwich? But these are particulars we shall never know. The time even when the town disappeared is not known, for for many centuries the forest was allowed to go to waste until it became little better than a barren heath, and the neighbourhood was as wild and uncultivated as the back woods of America. But the disappearance of Eddisbury is not a solitary case. When we get farther into Cheshire, we find traces of another town perhaps even less known to history. By an act dated June 1812 however, the forest was ordered to be planted; and it now contains a large quantity of young timber, which, in course of time, will be of great value.

"The ancient name of this forest was Moni and Mondrum; and by these names many writers not so very antiquated are accustomed to designate it. Fifty townships are said to have been at one time included in it. The latest account we have of royal hunting in the forest is that of King James I., who, during one of his 'progresses,' enjoyed the pleasures of the chase here, and was quite delighted with the sport. The Cheshire hounds meet in the forest, as foxes are tolerably numerous."

From these notices of extinct forests in the north of England, some idea may be formed of what changes have passed over the face of the country almost everywhere. They are adduced as supplying illustrations of the kind of historical notices which exist of woods and forests which are now no more.

## CHAPTER III.

### REMAINS OF ANCIENT FORESTS BURIED IN THE GROUND AND SUBMERGED IN THE SEA.

In a preceding chapter it has been stated, that in the neighbourhood of Dregg—a well-to-do village in Cumberland, the name of which is apparently a corruption of *Dericht* or *Drigh*—a name given in Irish and in Scotch to the oak—the remains of ancient forests have at times been discovered in cutting drains. This is by no means a rare occurrence; and by articles of man's making found in some cases overlying or underlying the buried wood, from the age to which these articles belong, a plausible conjecture may be formed of the age in which the wood was submerged or buried; and from the same and other indications something may be learned of the former condition of the locality.

We thus learn that the forests whose remains are so preserved must have perished long before those, the sites of which have been spoken of in the preceding chapter.

### Section I.—Facts and Theories.

In Evelyn's "Silva" mention is made of an oak tree 120 feet in length, 12 feet in diameter at the largest end, 10 in the middle, and 6 at the smallest end, having been found in Hatfield level by Sir Cornelius Vermuyden.

"Hatfield Chase, in the West Riding of Yorkshire, was one of the largest in England, containing above 180,000 acres. One half was a complete morass; but it was re-

duced to arable and pasture land in the reign of Charles I. by Sir Cornelius Vermuyden, a Dutchman, to whom it was sold. A vast number of prostrate trees were found at a considerable depth below the surface. The roots remained unmoved, but many of the trunks were lying on the ground heaped one upon the other, while a large number stood erect, broken or mouldered off about midway. This strange uncovering of old trees developed their peculiar characteristics. Oaks, some of which were upwards of ninety feet long, were black as ebony, uninjured and closely grained. Ash trees, on the contrary, were so soft that they were cut to pieces by the workmen's spades; and, when flung up into the open air, turned to dust. But willows, which are softer than ash-wood, by some strange alchemy, preserved their substance. Patriarchal firs had apparently vegetated, even after their overthrow, and their scions became large branches, equal to those of the parent trunk. The alders were black and unchanged.

"The opening of this wide morass gave rise to other curious revelations. Many of the old trees had been evidently burned, some quite through, others on one side; several had been chopped and squared; some were even found to have been riven with huge wooden wedges; marks by which to substantiate the fact, that the vast swamp of Hatfield Chase had been once inhabited.

"Near the root of an ancient tree, eight coins, pertaining to different Roman emperors, were discovered; and in some parts considerable ridges and deep furrows indicated that the morass had been partially cultivated. Some who had studied the phenomena disclosed by the drainage of this tract conjectured that the forest had been felled, and that the trees, being left unmoved, contributed to the accumulation of the waters. This was very likely the case; because whenever the Britons were discomfited, they fled for refuge to the fastnesses of woods and miry forests; from whence they sallied forth, as opportunity permitted, and fell upon their invaders. Hence it was determined that woods and forests should be destroyed,

and the order was obeyed. Many were set on fire, others cut down; and forests thus felled, by impeding the draining of water, often turned such broad streams as flowed through them into extensive swamps."

In peat bogs wood has been found at Toul, in Yorkshire, so well preserved that it was deemed fit for employment in building. Wood has also been found so preserved in Somersetshire, Cheshire, Lancashire, Staffordshire, at Bromleyman, Birmingham, and in Scotland, and in the Isle of Man.

About a mile to the north or north-west of Beverley, the road to Hornsea crosses one of the great broad and deep drains of Holderness, which falls into the sea at Barmstowe. It crosses low-lying hollow land, which was formerly an insalubrious swamp, like that which when drained was made Hatfield Chase, and this, like that, was found to be the covering of an ancient forest. Of the age of the remains of this forest, found in digging the drains, I have no indication, but of the former condition of this swamp it may be interesting to know, that so deep was the water that boats went from Beverley to Frothingham, and some found more profit in navigating to and fro with smuggled merchandise, concealed under loads of hay and barley, than in cultivating their farms. For years a large swannery existed among the islands, and the king's *swanner* used to come down and hold his periodical court.

The number of submerged trees were enormous; pines sixty feet in length, intermingled with yew, alder, and other kinds, some standing as they grew, but the most leaning in all directions, or lying flat. Six hundred trees were taken from one field, and the labourers made good wages in digging them out at two pence a piece. Some of the wood was so sound that a speculator cut it up into walking-sticks.

Generally the upper layer consists of about two feet of peat, and beneath this the trees were found closely packed

to a depth of twenty feet; and below these traces were met with in places of a former surface, the bottom of the hollow formed by the slope from the coast on one side, and from the wolds on the other, to which Holderness owes its name.

The completion of the drainage works, which occurred in 1835, produced a surprising change in the landscape. Green fields succeeded to stagnant water, and the islets are now only discoverable by the *holm*, which terminates the name of some of the farms. But natural changes are ever repeating themselves, and what is occurring to day may suggest some idea of what occurred long, long ago, submerging and covering with lacustran deposits these woodlands of a former day.

Mr Walter White, in his work entitled *A Month in Yorkshire*, from which some of these statements have been given, tells:—

"At the bank which extends to Kilnsea, at times, after a lashing storm has swept off a few acres of the mud, the soil beneath is found to be a mixture of peat and gravel, in which animal and vegetable remains, and curious antiquities are embedded. Now and then the relics are washed out, and show by their character that they once belonged to the Burstall Priory, a religious house despoiled by the sea before the Reformation. Burstall Garth, one of the pastures traversed by the bank, preserves its name—the building itself has utterly disappeared.

. . . . . .

"Adjoining Witheringsea is all that remains of what once was Owthorne, a village which has shared the doom of Kilnsea. The churches at the two places were known as 'Sister Churches;' that at Witheringsea yet stands in ruins; but Owthorne church was swept into the sea within the memory of persons now living. The story runs, that two sisters living there, each on her manor, in the good old times, began to build a church for the glory of God and the good of their own souls, and the work went on prosperously until a quarrel arose between them, on the ques-

tion of spire or tower. Neither would yield. At length a holy monk suggested that each should build a church on her own manor; the suggestion was approved, and for long years the Sister Churches resounded with the voice of prayer and praise, and offered a fair day-mark to the mariner.

"But as of old, the devouring sea rushed higher and higher upon the land, and the cliff, sapped and undermined, fell, and with it the church of Owthorne. In 1786 the edge of the buried places first began to fail; the church itself was not touched till thirty years later. It was said to be a mournful sight to see the riven church-yard, and skeletons and broken coffins sticking out from the new cliff, and bones, skulls, and fragments of long buried wood strewn on the beach. One of the coffins, washed out from a vault under the east end of the church, contained an embalmed corpse, the back of the scalp bearing the grey hairs of one who had been the village pastor. The eyes of the villagers were shocked by these ghastly relics of mortality tossed rudely forth to the light of day; and aged folk who tottered down to see the havoc worked, wept as by some remembered token they recognised a relative or friend of bygone years whom they had followed to the grave—the resting-place of the dead, as they trusted, till the end of time. In some places bodies, still clad in naval attire, with bright coloured silk kerchiefs round the neck, were unearthed, as if the sea were eager to reclaim the shipwrecked sailors whom it had in former days flung dead upon the shore."

As now, so in a former day, the sea may have made inroads upon the land — upon sand dunes, it may be, lining the coast—such sand dunes as may now be seen in course of formation at Witheringsea, and for leagues beyond; and having brought below its own level the embankment standing as a wall of defence between it and the plain or hollow beyond, it may have swept in with a rush, and submerged woodland and meadow, and all that lay between.

I am not unaware that the burying of the forest may be otherwise accounted for; but I consider this suggestion deserving of consideration, being in accordance with what is even now going on.

Mr. White, in the volume cited, supplies statements of other facts which it is interesting to study in view of what has been advanced:—"Remarkable appearances," says he, "are presented by the cliffs to the south of the northern end of the Barnstowe drain. Here the clay is cracked in such a way as to resemble nothing so much as a pile of huge brown loaves; now it falls away into a hollow, patched with rough grass; now it juts again, so full of perpendicular cracks that you liken it to a mass of starch; now it is grooved by a deep gully; now a buttress terminates in a crumbling pyramid, mottled with yellow; now it is a rude stair, six great steps only to the summit; now a point of which you would say the extremity has been shaped by turf cutters; now a wall of pebbles, hundreds of thousands of all sizes, the largest equal in bigness to a child's head; now a shattered ruin fallen in a confused heap. Such are some of the appearances left by the waves in their never-ending aggressions."

From the Spurn on to Whitby, if not also further, like appearances are presented by the cliffs. At places the waves are undermining them, this is followed by a land-slip; the *debris* is washed away by currents and deposited where such currents exhaust themselves,—it may be encountering others going in a different direction. Some idea of the enormous quantity of mud which thus enters the Humber may be formed from the fact that fifty thousand tons of mud have been dredged in one year from the docks and basins at Hull; and in that river may be seen the effect of spring tides, which rise twenty-two feet and rush in with a stream at the rate of five miles an hour, clearing the mud and shifting it from one place to another. Above Hull the channel is shifting constantly and with great rapidity, so that a "pilot may find the channel by which

he descended shifted to another part of the river on his return a few days afterwards. There also, islands appear and disappear in a manner truly surprising; and in the alternate loss and gain of the shores may be witnessed the most capricious of phenomena. One example may suffice: A field of fourteen acres, above Beverley, was reduced to less than four acres in twenty years, although the farmer during that time had constructed seven new banks for the defence of his land."

So is it also along the coast. Here the sea is gaining on the land; there the land is being extended. Natural embankments have created inland lakes; but the embankment has been washed away, and the lake has been merged in the sea. Walking along the coast towards Bridlington, at times you see on the beach numerous rounded lumps lying about of many sizes, which at a distance resemble sleeping turtles, but on a nearer view prove to be nothing but masses of hardened clay, water-worn and full of pebbles. These are portions of the bottoms of lakes overrun by the sea; stubborn vestiges which yield but slowly.

So long may some lake or loch or fen have existed that trees have grown upon its banks,—this having been submerged when the sea reclaimed it, it did so with all its buried treasures, and this is how it comes to pass that we find buried trees in the fens, and submerged trees in the sea.

And the forest land extended beyond even the present limits of the land. In the volume of the *Philosophical Transactions* for 1799, I find an account of an examination of a submerged forest on the coast of Lincolnshire, by Joseph Correa Serra, LL.D., F.R.S., &c., in company with Sir Joseph Banks. The original catastrophe which buried this forest was supposed to be one of a very ancient date, but the inroad of the sea which uncovered the buried trees it was computed, must have been comparatively recent. The different sorts of wood were easily distinguishable, and wood was sometimes found by the people of the coast.

Like remains of buried and submerged forests have been seen on the low coasts of Lancashire and Cheshire. The author of *English Forests and Forest Trees* writes:—

"In approaching Liverpool from the sea, few prospects can be less attractive to the tourist in search of the picturesque than that presented by the shores he is approaching. The high, bold scenery of North Wales on the south, and of Cumberland on the north, which in clear weather may be seen far away on the 'horizon's verge,' seems to come to an abrupt termination, and be succeeded by a flat expanse of yellow sand, unbroken by tree or town, and only dotted here and there by a lighthouse or a beacon. Liverpool is hidden by the bend of the Mersey, and the great broad estuary of the Dee seems a deserted lake, its solitude only broken by a few white sails, or the lazy smoke of some passing steamer, while the intervening coast resembles a section of the great desert of Sahara, rather than a shore near 'a monstrous pitchy city and sea-haven of the world.' Flat, dull, and uninteresting as this shore may be, yet under this repulsive exterior it hides a vast amount of curious information, and affords abundant material for speculation and theory. We are told by geologists, that as part of the great means by which nature is constantly preserving the balance of creation, the sea in many places is washing away the land making encroachments on the shore, and adding to the 'treasures of the deep' many a farm and many a village on which human industry was lavished, and where human beings once had their abode. So is it here between the Mersey and the Dee. The Irish sea, aided doubtless by some more distant force, is too powerful for the resistance of the Cheshire shore. The very first object the traveller meets after leaving New Brighton is positive evidence of the fact. A mass of red sandstone has obtruded itself into light, as if to defy the waves, and is known locally as the red noses. But sad is the havoc they have undergone from the sea. Grooves and furrows and caves have been cut in them as smoothly as by edge-tools. The cleanness

of their fronts shows how well they are washed by every tide; and a comparison of the initials and their dates, with which enlightened Englishmen delight to adorn all places of public resort, might almost enable one to measure the yearly extent of old Ocean's victory. Farther on there are fields, which old people will tell you once grew good crops, now, alas! sanded up, and producing little but the heath and the wild rose. In walking along the shore, you soon reach even more conclusive evidence of the encroachments of the sea in a strong stone-wall on the beach fenced by bundles of fagots. The land here, to a considerable extent, is under the level of the sea; and but for this same wall or 'Dutch Dyke,' it would be constantly overflowed. The yearly charge of maintaining this bulwark against the sea is considerable, and is defrayed by the Corporation of Liverpool. The ground thus under the level of the sea is known as the Leasowe (low flat plain); on its margin, near the sea, is Leasowe Castle, the seat of Sir Edward Cust; and within a short distance of the castle stands the new lighthouse, which forms one of the chain of lighthouses along the coast from Liverpool to Holyhead. The *old* lighthouse stood at a point which is now 450 yards *below* high-water mark. Around the lighthouse the remains of a submarine forest are to be seen at low-water. The Rev. Dr Hume of Liverpool, an accurate scientific observer, states:—On this part of the coast, in March 1849, I reckoned at low tide no fewer than five sea-margins, the present and four others, all of which are indicated here; but from the two lowest strata the marks of cultivation and of vegetation had disappeared. In the third I reckoned 538 stumps of trees, all growing *in situ*, and they had evidently been planted by the hand of man; for they were in lines, the distance of five yards being between each. The larger stumps were towards the Dee, the smaller in the direction of the lighthouse and the Mersey. One stump of 'bog-fir,' 43 yards below high-water mark, had the bark on, as had several others; and in it there was the mark of an

iron staple about half an inch in diameter, the iron gone, but the rust still there. Many other stumps had been removed, which the country people dried to heat their ovens; and in some places the trees are so decayed that the wood may be cut through with a spade like a piece of cheese.'"

Like phenomena of submerged forests are not unknown elsewhere. Such have been seen on the coast of Cornwall. There is a submarine forest in Orkney, and there are two on the coast of Fife, one on the shore of the Tay, the others on the shore of the Firth of Forth; they are covered with the tide at high water to the depth of about ten feet, and consist of roots of trees embedded in peat moss, resting upon a bed of clay. Dr Fleming, once minister of the parish in which one of these is situated, afterwards professor in King's College, Aberdeen, and subsequently professor of Natural History in the Free Church College, Edinburgh, after a careful examination of these forests and of the various explanations given by geologists of similar forests on the coasts of Lincolnshire and Cornwall, proposed the following theory as adequate to account for all that is known of them:—

"If we suppose a lake situate near the sea-shore, and having its outlet elevated a few feet above the rise of the tide, we have the first condition requisite for the production of a submarine forest; if we now suppose that by means of mud carried in by the rivulets, and the growth of acquatic plants, this lake has become a marsh, and a stratum of vegetable matter formed on the surface of sufficient density to support trees, we arrive at the second condition which is requisite. Suppose a marsh in this condition to have the level of its outlet lowered, or rather to have its sea-ward barrier removed, what consequences would follow? The extremities of the strata, now exposed to the sea, would at every ebb-tide be left dry to a depth equal to the fall of the tide. Much water, formerly prevented from escaping by the altitude of the outlet, would

now ooze out from the moist beds; and the subsiding force would act more powerfully in the absence of the water which filled every pore. All the strata above low-water mark would thus collapse; and the surface of the marsh, instead of remaining at its original height, would sink below the level of the sea. In consequence of this drainage, produced by the ebbing of the tide on those marshes, the original barriers of which have been destroyed, there is no difficulty in accounting for the depression of the surface of a marsh many feet lower than its original level; nor in explaining that Neptune now triumphs where Silvanus reigned, and that the sprightly Nereids now occupy the dwelling of their sister Naiads."

The buried woods and trees in many cases may require some other and different suppositions to account for their existence where they have been found; but more interesting to us in our present study are the indications which may be obtained of the period at which the woods were submerged or buried.

## Section II.—Indications of the Age in which Buried Woods and trees must have Fallen.

We lack indications of the time at which the trees buried in the bog land of Holderness, and the submerged trees on the coast of Lincolnshire, were destroyed. But we have indications of a village having existed in the vicinity of the submarine forest on the Cheshire coast, and from articles of ornament and of domestic use which from time to time have been found along the coast, something may be learned in regard to the age in which the village existed; and thus we may learn something of the age of the forest.

It may be premised that all our coal beds are the metamorphosed remains of pre-Adamic woods and forests. Petrified trees of a later growth are not uncommon. Such

remains of ancient forests are not unknown in other lands. In making the New Orleans and Denur railroad, from 20 to 35 miles from Davern, between Running Creek and Cherry Creek, the workmen came upon a buried forest, the trees of which had all of them become petrified. They were of all sizes. They were found at different depths ranging from 10 to 20 feet, the greatest depth to which they had occasion to excavate. They were met with in some half-dozen localities, and occasioned no little trouble to the workmen. The trees were perfect, and could be taken out almost unbroken if suitable appliances were employed.

Of buried trees in a fossil state we have numerous specimens in what is known as the Purbeck Forests, in the Isle of Portland. Of these forests, remarks a writer in the *Cornhill Magazine* (vol. xlvi., p. 727), we get the best remains in the so-called dirt-beds. These curious layers consist of the actual surface of the ground in which the trees grew, with the stumps and roots still standing in their natural positions on that very ancient soil. Of course, the wood itself is turned into stone; but the form and character of the tissues and leaves is still accurately preserved for us. Some of the trees were cycads, a small palm-like tropical species like the zamias of our own conservatories; others were pieces of extinct sorts, all requiring a warmer climate than that of Britain at the present day. They have fortunately been preserved for us *in situ*, as they grew, by the fact that when the forests were gently and gradually submerged beneath the waters of the lake, the trees fell into the marshy bottom, and both trunks and stumps, with the soil on which they had grown, were then slowly covered up with a thin layer of lacustrine mud. As a consequence of these frequent changes, which are much like those still occurring in tropical bogs and lagoons, the Purbeck formations consist of numerous alternating shallow layers, with the stumps of the terrestrial dirt-beds penetrating (or rather surrounded by) the fresh-water mud and slates. On the Isle of Portland,

taking them in historical or ascending order, they run as follows:—First and lowest comes the skull-cap, so called by the quarrymen (whose nomenclature is strictly practical) because it fits tightly just above the Portland building stone. It is a cream-coloured fresh-water limestone, and its thickness is about two feet. Next comes the lower dirt-bed with a few cycads, but no pines. Above this lies the top-cap, a hard and troublesome bed to clear away, consisting of fresh-water rock with a flinty texture. Then we arrive at the great or upper dirt-bed, a mass of old soil about a foot thick, full of cycads and pine stumps, with their roots still firmly fixed in the ground where they grew. Above this again we get the soft burr, or lake sediment, which envelopes and preserves our fossil trunks; followed by the aish, a slatey lake deposit, the clay parting, the bacon tier, the dirt seam, and last of all the slate, a hard layer some ten or fifteen feet thick, and shivered into small flat pieces about an inch through.

These are not the remains of woods which have existed within the memory of man; but the narrative supplies an illustration of what may have taken place in later days.

Like silicified trees have been found elsewhere in Britain; but some, if not all of them, appear to have been the products of pre-Adamic times. With the remains of woods now under our consideration, it is otherwise.

In Denmark, single trees, if not forest clumps, have been found preserved in such situations, as enable the archæologist to determine by their superposition the succession in which different kinds of trees have grown in the locality, on from the time when the inhabitants made the kocking-middens of shells of molluscs upon which they lived, and used only weapons and implements and ornaments of stone, to times more recent—the time of the Roman invasion—and also from that time to the present. And this method of study, which is simple in the extreme, is applicable to such cases as we have had under consideration in the preceding section.

In a small pamphlet, entitled *The Antiquities Found at Hoy Lake in Cheshire*, described by A. Hume, LL.D., F.R.S.A., published in 1847, are given with accurate illustrative drawings descriptions of several of the articles found there, consisting of a needle and needlecase, both formed of rudely squeezed together sheet metal; a fish hook, formed in the same way as the needle, by rolling a thin sheet of metal into the requisite shape; a buckle, or brooch; a buckle with part of a strap attached; a delicate hook, speckled like a peacock's tail; a key made of thin twisted metal, like the needle, with sheath and fish hook; another buckle, and a small hammer, like the clapper of a small bell' and an ornament which resembles the boss of a book But besides these which have been represented by drawings, there are many more; there were more than a hundred buckles, and wellnigh as many more other articles formed of lead, silver, copper, iron, and brass. They are chiefly articles for domestic use; and "it is remarkable," says Dr. Hume, "that there is not among them a single weapon of any kind, nor anything that seems to indicate a violation of the habits and scenes of peaceful life."

It is conjectured that what occasioned the destruction of the village may have occasioned the destruction of the forest, and if the conjecture be accepted, the questions How and When may the catastrophe which brought destruction to the forest and to the village have occurred? may find an answer. With regard to circumstances attending the catastrophe, it is conjectured that timely warning must have been afforded to the inhabitants of the village: a grave-yard is said to have been discovered at low-water at spring-tide by an engineer, while surveying the coast for a very different purpose; an old skull and some other human bones have also been found; but as no human remains that indicate a sudden or violent death have been found, it is alleged that "it is highly probable that the village had been deserted previous to its final submersion. This idea is

further confirmed by the fact that on the Lancashire shore there exists a deserted village anciently known as Formby. 'The graveyard is still preserved, about three feet below the ordinary level, and many feet under the large mounds of sand which surround it. In 1783 the last householder lived on the borders of the graveyard, and in his youth his house was in the centre of the town. The modern Formby is now a mile and a half distant, with a new church and churchyard; but the deserted lanes, where one plunges in the sand at every step, still retain town names of places to which they once led, as King Street, Church Street, Duke Street.'*

"The inhabitants of modern Formby had thus had ample warning to 'take up their beds and walk;' and, in all probability, old ocean was equally kind-hearted on the Cheshire shore.

"Some of the local observers and inquirers, however, believe that the destruction of the forest was suddenly accomplished, and that on some stormy day in autumn (this season being fixed on because many of the buried trees were bearing *fruit* when they must have been destroyed), the sea made a sudden dash across the land, overwhelmed the entire district, bearing down everything in its way, and that the waters cleared for themselves an outlet into the Mersey by a channel long known as Wallasey-pool, but now occupied by one of the most magnificent docks in the civilised world."

I see no reason to conclude that both suppositions may not be correct. The progress of the destruction of the barrier opposed to the ingress of the sea may for a time have been slow, and yet the inroad of the sea at last sweeping; but even of this being the termination of what may have been going on, there is no evidence.

But we have still the question, When did the catas-

* Letter from Dr Hume.

trophe occur? to deal with. The author just cited—the anonymous author of *Forests and Forest Trees*—tells:—

"It is well established that for two thousand years past this part of the coast has been inhabited, and that until within no very recent period the whole hundred of Wirrall, the name by which this part of Cheshire is known, was covered with forests. When the Romans possessed the island, one of their chief stations was *Deva Castrum*, the camp on the Dee, the present city of Chester. It was important as being near the Welsh mountains, whither large numbers of the ancient inhabitants had fled for refuge, and from whence they made many sallies against their invaders; and important also because is was the chief port from whence the Romans had access to the Irish Sea. But situated as it was, a long way from the sea, it was necessary to guard its entrance, and accordingly another station was created on a small island—Hilbre Island—near the mouth of the Dee, and close by the shore on which this village and now buried forest stood. Some remains have occasionally been found on this island that render this fact beyond doubt, but the island is now greatly reduced in size by the encroachments of the sea. It is therefore quite reasonable to suppose that a village or even a town, may have sprung up on this shore in Roman times, and that the timber of the forests may have been cleared both to build Roman galleys and to give space for the raising of corn. The Dee certainly did not diminish in importance when the Heptarchy was established. Chester became the capital of Mercia; and one of its kings is related to have sailed on the Dee rowed by kings whom he had subdued in war, among whom was a king of Cumberland and a king of Man. There must have therefore been plenty of ships around the mouth of the Dee, and it is highly probable that the village called into existence by the Roman station still continued and increased in the days of the Saxons. In the reign of Henry II. an abbey was erected at the town of Birkenhead, on the west shore of the Mersey, and not far distant

from the locality we are considering. Among other privileges enjoyed by the monks was that of a ferry across the river to Liverpool, such as that town then was; and strange enough, this old 'Monk's ferry' still remains with its old name, but attached now not to a holy brotherhood of monks, but to a brotherhood of capitalists, carrying on business (in both senses of the word carrying) under the name of the Chester and Birkenhead Railway Company. 'The blessings of knowledge and the benefits of religion' were therefore, we see, coming nearer and nearer our submarine forest at Leasowe. In the reign of Edward III. the peninsula was disafforested, and new villages doubtless sprung up. Coming down to a later period, we learn that it was from a port named Hoylake, close by the spot on which this buried forest stood, that William Penn sailed to America to found or colonise the district now known as Pennsylvania; and it was from the same port that William III. embarked for Ireland to fight the battle of the Boyne."

But history is silent in regard to the destruction of the village and the forests; and competent inquirers, it is alleged, have considered that their antiquity goes back to the time of the Romans.

I see nothing incredible in this, and there are not awanting indications of some of the buried remains of forests found in other parts of England having been preserved since that time.

About the time of the Roman invasion England was extensively covered with trees. It is still a richly wooded land, but nowhere do we meet with extensive areas of woodland such as we have reason to believe existed then. Considerable havoc was made by the Romans to enable them to advance and secure their conquests, and besides the historical notices which we have of the fact, we have preserved beneath the surface of the soil, in connection with remains of trees, Roman coins which seem to have been deposited there along with these remains. In the notice given of Hatfield Chase (at p. 169), it is mentioned that

it is the site of a morass which covered deep the remains of what was a rich woodland in times long gone by. When the morass was being drained, near the root of an ancient tree, eight coins pertaining to different Roman emperors, were discovered.

On a moor in Lancashire there were found eight small boats or canoes, such as the natives used about the time of the Romans; and in another moor a brass kettle, with a small millstone, and several beads of wrought amber; all interesting to as us evidence to the fact that the aborigines of these lands made use of timber trees.

Between Birmingham and Bromley were found several parcels of wood cut into poles, beams, &c., with the head of an axe resembling the Roman battle-axe, and a coin of the Emperor Vespasian; and it is stated that under these the solid ground was in ridges, apparently produced by its having been ploughed.

In digging a foundation for the low level sewage in West Ham marsh, there were found on a bed of peat from twelve to fourteen feet thick, resting on a layer of clay, and this again on gravel, stems of oak, yew, and willow, from twelve to eighteen inches in diameter; and wherever the marshes along the run have been trenched, ancient timber has been found embedded. Bronze celts also have been found, and in Plaistow marsh two lumps of metal from the maker's ladle. And lead coffins containing skeletons have been dug up in West Ham marsh.

Citing cases of wood preserved and peat bogs in Ireland from remote times, and the cases mentioned of Roman remains having been found along with wood in peat bogs in England, Mr M'William cites also numerous cases of wood being found in Scotland with like indications of having been preserved from the time of the Romans. All of which facts, viewed in connection with what has been ascertained of the antiseptic properties of peat, makes it more than probably that some of these relics of ancient woods have been preserved from the time of the Romans, or the commencement of the Christian era, and that author

goes on to say in his *Essay on the Origin and Operation of the Dry Rot, with a View to its Prevention or Cure,* published in 1818, —"We have good reason to believe that great part of them have lain above 1700 years in the earth, and in reference to this statement it may not be improper to give my reasons for thinking so. These are grounded on the page of history. If we recall to mind the history of the Britons, from the reign of Domitian to the accesssion of Caracalla, and consider the local situation of the morasses and bogs, we shall find good reason for ascribing the destruction of many of the forests in question to the Romans. It is well known that from the time of Julius Cæsar to the decline of the Roman power, the Britons, being unable to contend with the arms and discipline of the Roman legions in pitched battles in the open country, were forced to take shelter in the woods and marshes, from which they annoyed the Romans with their incursions. The Roman generals, therefore, from the time of Agricola, if not before, employed not only their own soldiers, but also many of the provincial Britons, in depriving their opponents of their places of refuge, by cutting down the woods, and draining marshes. These are the servile labours pointed out by Galgacus, in that energetic speech made at the head of his army, before the battle with Agricola, and of which he warns the Caledonians as awaiting the vanquished. He says: 'Our limbs and our bodies are worn out in cutting wood, and draining marshes; and what have we in return but stripes and insults!'* Having finished his harangue, he led 30,000 on the Grampian hills to that desperate, bloody, and well-fought, though unsuccessful conflict, which left 10,000 of his brave men slumbering on their gory beds; and Tacitus says, had not the bogs protected the Caledonians, that battle would have ended the war. This was in the 84th year of our era. In like manner, Severus employed his men, not only in erecting the wall

* Tacitus, *Life of Agricola*, chap. 31.

which bears his name, but likewise in cutting wood, draining marshes, and constructing bridges; and although Severus was never met by the British army in the open field, yet he lost 50,000 men in the expedition. Besides this, there are many roads found on the clayey ground at the bottoms of the marshes, which are of the exact description of the Roman military roads; and some exhibit tesselated pavements, which are confessedly the work of the Romans. Such have been found in the morasses of Kincardine, on the estates of Mr Drummond.* The great north road of the Romans ran through *Lindun* (Lincoln) to *Segelochum* (Littleborough-upon-Trent) and thence to *Danum* (Doncaster), where they kept a permanent garrison of horse. A large portion of the country had been covered with forests, many of which still remained in some parts; and in other parts, on the high ground, young trees grew up from the roots of those cut by the invaders; while those in the lower ground were soon immersed in boggy swamps. In the fourteenth century we are told the Caledonians committed considerable depredations on the English borders; to revenge which John of Ghent, Duke of Lancaster, marched a large army into Scotland, and it is said set 24,000 axes to work at once, to destroy the Scottish woods. The Roman historians themselves inform us that, when their armies pursued the wild Britons, these people always sheltered themselves in the miry woods and low watery forests. Cæsar expressly says this; and observes, that Cassibelan and his Britons, after their defeat, passed the Thames, and fled to such low marshes and woods, that there was no pursuing them.

"But to return to the garrison of horse at Doncaster. This was to awe the Britons, who swarmed in the great forest, the borders of which extended very near to Doncaster and the Trent, and came within a little distance of the garrison. The Britons sallied out, and committed such depredations, that the Romans at last became

* Edinburgh Rep. of Arts, part I., page 269.

exasperated, marched a powerful army against them, and encamped on the great moor, not far from Finningley, where part of their fortifications may yet be seen. A battle was fought very near Osterfield, probably under the command of Ostorius ; and, as might be expected, the poor Britons were routed with great slaughter. Those who escaped fled again into the woods. The conquerors followed up their victory, and carried death and destruction into the great forest. Taking the advantage of a strong westerly wind, they set fire to the pine or fir trees, of which this forest principally consisted, and thus destroyed the greater part of them. Their own soldiers and the captive Britons cut down the remainder. It is well known that the timber found there under grouud lies from west to east, or rather inclining a little toward the south and north of these points, the very way in which we are told the wind blew.

"Several of the Roman historians inform us that when Suetonius Paulinus conquered Angelsea, he ordered all the woods to be cut down there, in the same manner in which the Roman generals had done in England. Edward I., about the year 1281, being unable to get at the Welsh, because of their hiding-places of refuge in the woods, ordered that the trees should all be destroyed by fire and axe;* and it is probable that those found in Pembrokeshire and the adjoining counties are the effects of this order. Giraldus Cambrensis, who accompanied Henry II. to the first conquest of Ireland, in 1171 or 1172, and was secretary to King John in 1185, states that the country was very woody, and that Henry ordered all the woods on the low lands to be cut down to deprive the thieves and rogues of their places of refuge and starting holes, with which these woods swarmed."

---

* Holinshed.

## CHAPTER IV.

### CONSERVATION, REPLENISHING, AND EXTENSION OF FORESTS.

In succeeding chapters will be supplied information in regard to the forest legislation in England,—in regard to this, from very early times till the Reformation; and in regard to this, from the time of the Reformation till end of the eighteenth century. In the former period attention was given almost exclusively to the preservaiton of game; in the latter attention is given also to the conservation of the trees of the forest for a supply of fuel, of wood, and of timber.

By this legislation the progressive destruction of woods and of trees in the forest may have been retarded somewhat, but it was not arrested; and continuously throughout the whole historic period embraced by the legislature in question the destruction went on. But while this waste and destruction of forests has been going on, efforts have from time to time been made to arrest it; and towards the close of last century, but still more from the commencement of the nineteenth century, on to the present time, the replenishing of the forests with trees and the extension of woodlands by planting has been advocated with increased energy.

In the sixteenth century we find a note of warning against the evil consquences likely to follow the wasteful destruction of forests, in "An Historical Description of the Island of Britain, by Mr Hamsen," given in *Holinshed's Chronicles*—of which a reprint appeared in 1807. In a curious chapter on Woods and Marshes, the author complains of the rapid decrease of the forests, and adds:

"Howbeit thus much I dare affirme, that if woods go so fast to decaie in the next hundred yeere of Grace, as they haue doone and are like to do oin this, . . . it is to be feared that the fennie bote, broome, turfe, gall, heath, firze, brakes, whinnes, ling, dies, hassacks, flags, straw, sedge, réed, rush, and also *seacole*, will be good merchandize euen in the citie of London. whereunto some of them euen now haue gotten readie passage, and taken vp their innes in the greatest merchants' parlours. . . . I would wish that I might liue no longer than to sée foure things in this land reformed, that is: the want of discipline in the church: the couetous dealings of most of our merchants in the preferment of the commodities of other countries, and hindrance of their owne: the holding of faires and markets vpon the sundaie to be abolished and referred to the wednesdaies: and that euery man, in whatsoeuer part of the champaine soile enioieth fortie acres of land, and vpwards, after that rate, either by frée deed, copie hold, or fee farme, might plant one acre of wood, or sowe the same with oke mast, hasell, béech, and sufficient prouision be made that it may be cherished and kept. But I feare me that I should liue too long, and so long, that I should either be wearie of the world, or the world of me."

Again, in the time of Charles II., the importance of conserving and replenishing the woodlands in the forests as a means of saving timber for the navy was perceived, and measures were adopted accordingly. And in 1664 was published the first edition of Evelyn's *Silva*, a work which contributed much to the extension of arboriculture in England.

Hitherto it was chiefly the demand for wood for naval purposes which excited the anxiety of statesmen; but several authors in the sixteenth century expressed fears of serious evils following the wasteful destruction of woods for domestic fuel, and meanwhile there was gradually manifesting itself a new source of danger. In the Forest of

Dean and elsewhere, mines of iron ore were being exploited with more and more energy. For the smelting of the ore fuel was at hand, and trees were recklessly felled for the work. Coal had been found, but coal fires were not found appropriate to the purpose, and the consequent destruction of the woods, threatened to bring the country into a condition not unlike what is now the case in many districts of the Ural mountains in Russia—what were richly wooded lands being devastated. The immediate effect of this was to quicken efforts to adapt coal fires to the smelting of ore, and the ulterior effect was to relieve the forests, in some measure, of the demand thus made upon them.

Walter White, in his volume entitled *All Round the Wrecken*, writes:—

"About the time that the Spanish Armada was defeated, a great outcry and lamentation arose because of the waste and decay of woods and forests, and that having no timber wherewith to build ships, the utter ruin of England must speedily ensue. Many a man grieved in his old age over the disappearance of woods where he had taken birds' nests when a boy; and the proprietors of salt pans in Worcestershire, and iron-smelters everywhere, whose 'voracious works' devoured enormous quantities of wood and charcoal, were afterwards accused as enemies of their country. But the demand for fuel increased, and to avert the evil consequences, ingenious patriots made experiment after experiment to discover a way of smelting iron with pit-coal or sea-coal, as it was then called, and what they proposed may be read in the archives of the Patent Office. Simon Sturtevant, writing his specification in 1612, renews the lamentation over the destruction of timber by the four hundred furnaces, *Milnes*, then at work in Kent, Surrey, and Sussex, to say nothing of the number in other parts of the kingdom; and describes his method for using pit-coal, and thereby saving the woods, and £320,000 a-year. He failed, but other schemers were ready to take his place, and among those who followed we find Dud Dudley taking out a patent for the same object,

and persevering in experiments. Speaking of himself in his statement he says:—'Having former knowledge and delight in Iron-works of my father's when I was but a youth, afterward at twenty years old, was I fetched from Oxford, then of Baliol Colledge, anno 1619, to look and manage 3 Iron Works of my father.' But wood and charcoal failing, he experimented with pit-coal, and reports then:—'I found such success at first tryal as animated me, for at my tryal or blast I made iron to profit with pit-coal, and found, *Facere est addere Inventioni.*'"

He laments the waste of small coal, which was then left in the mine as worthless, and computes the consequent loss of fuel as fit for the furnace at four thousand tons a-year, within ten miles of Dudley Castle. "If all the coles and ironstones," he argues, "so abounding, were made right use of, we need not want iron as we do; for very many measures of ironstone are placed together under the great ten yards thickness of coal, and upon another thickness of coal two yards thick, as if God had decreed the time when and how these Smith's should be supplyed, and thus stand also with iron."

We may smile when we find this much persecuted inventor declaring that to make one ton of iron in twenty-four hours would be sufficient! "We need not a greater quantity," he says. "With that quantity there would be no lack of work for the smithy, and nailers in the neighbourhood of Dudley, where trade was so bad that many of them were ready to starve or steal." What would a ton a-day do now?

In connection with this reference to the importance attached to the general use of coal instead of wood for fuel, it may be interesting to some to learn that on the same authority, some five-and-twenty or thirty years since, when in the neighbourhood of the pottery village of Swedlecut or Swadlecote, the diggers began the "getting" of one of the uppermost clay-beds the usual overlying seam of coal was found to be amissing, to the surprise of all in the locality,

until traces were found of its having been dug away at some remote time, no one could even conjecture when, and it was surmised that probably it was for fuel.

In the passage from Harrison cited above (p. 68), the Hon. P. G. Marsh, in his volume entitled, *The Earth as Modified by Human Action*, remarks :—

"It is evident from Holinshed, reprint of 1807, i. pp. 357, 358, and from another statement, p. 397 of the same volume, that, though sea-coal was largely exported to the Continent, it had not yet come into general use in England. It is a question of much interest, when mineral coal was first employed in England for fuel. I can find no evidence that it was used as a combustible until more than a century after the Norman conquest. It has been said that it was known to the Anglo-Saxon population, but I am acquainted with no passage in the literature of that people which proves this. The dictionaries explain the Anglo-Saxon word *græfa* by sea-coal. I have met with this word in no Anglo-Saxon work, except in the *Chronicle*, A.D. 852, from a manuscript certainly not older than the twelfth century, and in two citations from Anglo-Saxon charters, one published by Kemble in *Codex Diplomaticus*, the other by Thorpe in *Diplomatarium Anglicum*, in all which passages it more probably means peat than mineral coal. According to Way, *Promptorium Parnulorum*, p. 506, *note*, the *Catholicon Anglicanum*, has 'A turfe grafte, *turbarium*.' *Grafte* is here evidently the same word as the A.-S. *græfa*, and the Danish *Torvegraf*, a turf-pit, confirms this opinion. Coal is not mentioned in King Alfred's Bede, in Neckam, in Glanville, or in Robert of Gloucester, though the two latter writers speak of the allied mineral jet, and are very full in their enumeration of the mineral productions of the island.

"In a Latin poem ascribed to Giraldus Cambrensis, who died after the year 1220, but found also in the manuscripts of Walter Mapes (see Camden Society edition, pp. 131, 350, and introduced into Higden's Polychronicon. London, 1865, pp. 398, 399), *carbo sub terra cortice*, which

can mean nothing but pit-coal, is enumerated among the natural commodities of England. Some of the translations of the thirteenth and fourteenth centuries rende *carbo* by *cool* or *col*, some by *gold*, and some omit this line, as well as others unintelligible to the translators. Hence, although Giraldus was acquainted with coal, it certainly was not generally known to English writers until at least a century after the time of that author.

"The earliest mediæval notice of mineral coal I have met with is in a passage cited by Ducange from a document of the year 1198, and it is an etymological observation of some interest, that *carbones ferrei*, as sea-coal is called in the document, are said by Ducange to have been known in France by the popular name of *hulla*, a word evidently identical with the modern French *houille*, and the Cornish *Huel*, which in the form *wheal* is an element in the name of many mining localities."

While the forest trees may have been, and apparently were, extensively devastated by man, they may have been, and most probably were, to some extent destroyed also by the animals preserved for the chase, though that also may have unconsciously contributed to the maintenance of the woods. In a foot note appended by Mr Marsh to another passage in the work cited, he remarks:—

"No lover of American nature can have failed to observe a marked difference between a native wood from which cattle are excluded and one where they are permitted to browse. A few seasons suffice for the total extirpation of the 'underbrush,' including the young trees on which alone the reproduction of the forest depends, and all the branches of those of larger growth which hang within reach of the cattle are stripped of their buds and leaves, and soon wither and fall off. These effects are observable at a great distance, and a wood-pasture is rocognised, almost as far as it can be seen, by the regularity with which its lower foliage terminates at what Ruskin some-

where calls the 'cattle line.' This always runs parellel to the surface of the ground, and is determined by the height to which domestic quadrupeds can reach to feed upon the leaves. In describing a visit to the grand-ducal farm of San Rossore near Pisa, where a large herd of camels is kept, Chateauvieux says: 'In passing through a wood of evergreen oaks, I observed that all the twigs and foliage of the trees were clipped up to the height of about twelve feet above the ground, without leaving a single spray below that level. I was informed that the browsing of the camels had trimmed the trees as high as they could reach.' —LULLIN DE CHATEAUVIEUX, *Lettrés sur l'Italie*, p. 113.

"Browsing animals, and most of all the goat, are considered by foresters as more injurious to the growth of young trees, and, therefore, to the reproduction of the forest, than almost any other destructive cause. According to Beatson's *Saint Helena*, introductory chapter, and Darwin's *Journal of Researches in Geology and Natural History*, pp. 582, 583, it was the goats which destroyed the beautiful forests that, three hundred and fifty years ago, covered a continuous surface of not less than two thousand acres in the interior of the island [of St. Helena], not to mention scattered groups of trees. Darwin observes: 'During our stay at Valparaiso, I was most positively assured that sandal-wood formerly grew in abundance on the Island of Juan Fernandez, but that this tree had now become entirely extinct there, having been extirpated by the goats which early navigators had introduced. The neighbouring islands, to which goats have not been carried, still abound in sandal-wood.'

"In the winter, the deer tribe, especially the great American moose-deer, subsist much on the buds and young sprouts of trees; yet—though from the destruction of the wolves, or from some not easily explained cause these latter animals have recently multiplied so rapidly' in some parts of North America, that, not long since, four hundred of them are said to have been killed in one season, on a territory in Maine not comprising more than one

hundred and fifty square miles—the wild browsing quadrupeds are rarely, if ever, numerous enough in regions uninhabited by man to produce any sensible effect on the condition of the forest. A reason why they are less injurious than the goat to young trees may be that they resort to this nutriment only in the winter, when the grasses and shrubs are leafless or covered with snow, whereas the goat feeds upon buds and young shoots principally in the season of growth. However this may be, the natural law of consumption and supply keeps the forest growth, and the wild animals which live on its products, in such a state of equilibrium as to insure the indefinite continuance of both, and the perpetuity of neither is endangered until man interferes and destroys the balance.

"When, however, deer are bred and protected in parks, they multiply like domestic cattle, and become equally injurious to trees. 'A few years ago,' says Clavé, 'there were not less than two thousand deer of different ages in the forest of Fontainebleau. For want of grass they are driven to the trees, and they do not spare them. . . It is calculated that the browsing of these animals, and the consequent retardation of the growth of the wood, diminishes the annual product of the forest to the amount of two hundred thousand cubic feet per year, . . and besides this, the trees thus mutilated are soon exhausted and die. The deer attack the pines, too, tearing off the bark in long strips, or rubbing their heads against them when shedding their horns; and sometimes, in groves of more than a hundred hectares, not one pine is found uninjured by them.'—*Revue des deux Mondes*, Mai 1863, p. 157.

"Vaupell, although agreeing with other writers as to the injury done to the forest by domestic animals and by half-tamed deer — which he illustrates in an interesting way in his posthumous work, *The Danish Woods*— thinks, nevertheless, that at the season when the mast is falling, swine are rather useful than otherwise to forests of beech and oak, by treading into the ground, and thus sow-

ing beechnuts and acorns, and by destroying moles and mice.—*De Dantske Skove*, p. 12. Megusher is of the same opinion, and adds that swine destroy injurious insects and their larvæ.—*Memoria*, &c., p. 233.

"Beckstein computes that a park of 2,500 acres, containing 250 acres of marsh, 250 of fields and meadows, and the remaining 2,000 of wood, may keep 364 deer of different species, 47 wild boars, 200 hares, 100 rabbits, and an indefinite number of pheasants. These animals would require, in winter, 123,000 pounds of hay, and 22,000 pounds of potatoes, besides what they would pick up themselves. The natural forest most thickly peopled with wild animals, would not, in temperate climates, contain, upon the average, one-tenth of these numbers to the same extent of surface."

Other changes consequent upon the progress of the nations, affected the forests, tending generally to the devastation of them, and calling forth warnings, counsels, and protests.

A change of habit in regard to hunting, and the necessity felt from time to time raise money by the sale of timber, led to great changes. I find it alleged that the gradual destruction of forests after the Reformation may be attributed to the following, amongst other causes—the confiscation of Church property, the diminished habit of hunting, the extermination of wild animals, the unusual demand for timber, the disturbances during the civil wars, and generally to the progress of civilisation.

In an edition of Evelyn's *Silva*, published in York in 1786, the editor, Dr. Hunter, says in a note on this subject:—

"In order to trace the history of the decay of our forest trees, it will be necessary to remark that the first attack made upon them of any material consequence was in the twenty-seventh year of the reign of Henry VIII., when that monarch seized upon the church-lands, and converted them, together with their woods, to his own use, Ruinous

as such an attempt might appear at first, it did not bring with it any very pernicious consequences, as the whole kingdom, at that early period, was plentifully stocked with all kinds of timber-trees, especially the oak. During the civil war which broke out in 1642, and all the time of the inter-regnum, the royal forests, as well as the woods of the nobility and gentry, suffered a great calamity, insomuch that many extensive forests had, in a few years, hardly any memorial left of their existence but their names. From that period to the present, there is some reason to apprehend that the persons appointed to the superintendence of the royal forests and chases have not strictly and diligently attended to their charge, otherwise the nation would not at this day have reason to complain of the want of oak for the purposes of increasing and repairing the royal navy. This loss, however, would not have operated so severely, had the principal nobility and gentry been so solicitous to plant as to cut down their woods. But this reflection should be made with some degree of limitation, as several thousand acres of waste land have, within these twenty years, been planted for the benefit of the rising generation. The Society of Arts, &c., established in 1754, have greatly contributed, by their honorary and pecuniary premiums, to restore the spirit for planting; and I flatter myself that a republication of Mr. Evelyn's *Sylva* will also contribute to that desirable end. Tuffer, a versifier in the reign of Henry VIII.. complains at that early period, that men were more studious to cut down than to plant trees; and as this author is often quoted by Mr Evelyn, it will be proper to remark that his book is entitled *Five Hundred Points of Husbandry,* and is printed in black letter. It is written in quatrains, or stanzas, of four verses each, and contains more lines than Virgil's *Georgics.* The first edition was published in 1562. There are other editions in 1664 and 1672; also in 1710 and 1743, with notes and observations. Every thing that has a tendency towards the raising and diffusing a spirit for planting, is highly meritorious; and as our wooden walls have been esteemed

for many ages past the bulwark of the nation, we may hope, from the goodness of our august sovereign, that he will set an example to the nobility and men of large possessions, by ordering his wastes to be planted with timber-trees, especially the oak."

Latterly much more has been done to secure the conservation and extension, and to some extent the replenishing of woodlands in England. The demand for timber for the navy, in the commencement of the present century, gave a fresh impulse to the arrest of wasteful treatment of them, to the correction of abuses in the administration of them, and to the development of the productiveness of woodlands. But the detailing of what in consequence was done would lead us beyond what may be called with strict propriety, Early English Forestry. One purpose of the present treatise is to prepare for a correct appreciation of what has latterly been attempted by shewing, what previously was the condition of the woods and forests of England, and what had previously been done both in devastating these, and in endeavours to arrest, or mitigate the evil.

In connection with this allusion to planting hundreds of years ago, may be adduced the following record of prices paid in the reign of Charles II., for planting some trees in an orchard :—

"An appricock tree, twenty pence; an orange tree, eight pence; two royal Windsor pear trees, twenty pence; two Kentish pippins, twenty-eight pence; two Flanders cherries, thirty pence; twenty-six roods of Peruvian roses, sixty-six pence; eight young apple trees, seven shillings; a mulberry tree, four shillings; a peach tree, half-a-crown; a medlar tree, one shilling; and two dozen of tulips, three shillings."

# PART III.

## CHAPTER I.

### SUMMARY OF MEDIÆVAL FOREST LEGISLATION IN ENGLAND.

THE devastation of forests in England appears to have been going on while the Romans were resident there. From the time of Canute attempts have been made by legislation to restrict the destruction of woods deemed necessary for the shelter of game; and only incidentally was the preservation of the forests from devastation and destruction thus secured.

By the consideration of the Forest Laws successively enacted, something may be learned in regard to the condition of the woodlands, and of the state of things which required a resort to legislation to meet.

In France, and in other countries on the Continent of Europe, in which attention has been given to the exploration of forests in accordance with the advanced forest science of the day, the laws relating to their conservation, protection, and management have been formally codified. It is not so in Britain;* and thus are secured for us faci-

* In a review of *Essays in Jurisprudence and Ethics*, by Frederick Pollok, M.A., LL.D., which appeared in *The Spectator* of 9th September, 1882, the reviewer says:—

"In defiance of every principle of scientific legislation, but for reasons peculiar to our Parliamentary system, the Acts of Parliament constantly passed for remedying practical grievances, almost invariably enact little special systems of law, applicable only to particular classes of persons and transactions, instead of establishing any general principle of law applicable in all cases. We will give one illustration out of many. Fifty or sixty years ago, it was discovered that gross cruelties and serious dangers were

lities which otherwise we might not have possessed for making ourselves acquainted with the past treatment of woods and forests in England; and of this I proceed to avail myself, citing laws and injunctions which have been issued at different times anterior to the commencement of the present century, when a new departure was taken in the management of the crown forests, with results which have led to more attention being now given to them as sources of gain than as coverts for game. Some of these laws served a temporary purpose, and the circumstances to which they were applicable having disappeared, they became *effete*, or they may otherwise have become obsolete, though never abrogated; but for our purpose they still are useful.

---

involved in the employment of boys in sweeping chimneys, and thereupon a Chimney Sweepers' Act was passed. A few years later, there followed Acts for the protection from various risks of accident of children employed in certain kinds of factories or mines. Later still public attention was directed to the danger incurred by children employed as acrobats, and a few sessions ago an Act was passed for the protection of such performers. Very probably there exist at this moment other employments for children quite as cruel or dangerous as any which the Acts in question applied to, but which public has not found out, and which are untouched by any Act. Certainly, for instance the statutory penalties which attach to sending a boy up a chimney, would not attach to sending him up a sewer, in which his chance of being wedged in or suffocated might be quite as great. Why, then, in spite of all these special Acts, was not an Act passed establishing, once for all, as a general principle of law, that the employment of boys and girls in any manner involving either serious cruelty or serious danger to life or limb, should be a criminal offence, attaching appropriate penalties to this offence, and leaving the Courts of Justice to put this law in force against chimney sweepers, acrobats, and all the world besides? The answer is not without practical force. The Home Secretary of the day, backed by a certain amount of public indignation, might reasonably expect to be too strong for the chimney-sweeping interest, or the acrobatic interest. But if he had sought to attain his end by establishing any general principle of law, the opponents of the measure would have found it easy to raise so much alarm amongst the employers of boys and girls all over the country, that the bill could not have been carried. So the statute law is botched, and made year by year more patchy and complex, to satisfy the exigencies of Parliamentary management.

"For this intolerable jumble of case law, statute law, and no law at all, there is but one deliverance. As Mr Pollok says with reference to our commercial law, he might have said with reference to our whole system of law:—

"'The remedy lies straight before us, and has already been applied with success by the majority of civilised nations. It is the statement of the law by the supreme authority of the Legislature, and in an orderly and lucid form; in one word, codification. If Parliament is afraid of undertaking this, it is afraid of undertaking that which the Italian Parliament, the German Reichstag, and the Swiss Federal Assembly have been doing, without fear and failure, for several years past.'

"So, too, have we been doing something of this, and doing it with excellent results, but doing it for India, not for ourselves. But an Indian code has not to pass the House of Commons."

I cite this here solely in illustration of the point to which I refer in the text, and I do so the more freely that in all the more important schools of forestry on the Continent, provision is made for the study of jurisprudence both in its more comprehensive sense, and in its more restricted application to the science of law by all aspirants for appointments foresters in the forest service of the country.

In regard to the interest taken by the kings of England in the forests as hunting-grounds reserved for their use, a writer in the *Journal of Forestry* tells:—

"Though extravagantly fond of the pleasures of the chase, Canute confirmed to his subjects, by his general code of laws, full power to hunt in their own lands, provided they abstained from the royal forests, in which the greatest rigour still prevailed; but after the extinction of the Danish princes, and during the weak and disturbed reign of the Confessor, these laws were little observed. The natural consequence was that the revival of them by the Normans became more severely felt. The Conqueror, it is universally agreed, was most passionately fond of hunting; to him the tyranny of the forest laws may be justly ascribed, as well as the severe subjection in which the nobility, without distinction, were kept at that period. William Rufus proceeded in a great degree upon his father's plan, and suffered his passion for the chase to oppress his subjects to such an extent that the remembrance of his tyranny was long preserved with detestation and abhorence. Andrews, in his *History of Great Britain*, relates that when ten Englishmen had been cleared by the ordeal of fire from a charge of killing deer, Rufus exclaimed, "Pretty justice above, indeed, to let ten such scoundrels escape!" His son and successor, Henry I., found it expedient on his coming to the throne to ingratiate himself with his people, and with a view to this he restored the law of Edward the Confessor. The usurper Stephen at his accession promised much, more particularly as to the redressing of the grievance of the forest laws, but his performances in that respect were very limited. During the reign of Henry II. a milder system appears to have prevailed, which was far from being the case in that of Richard I., whose attachment to the chase and to field sports is well authenticated; by him we find the rigour of the forest laws again revived, and nearly to the same extent as they existed in the time of his grandfather, though what he did was rather a declaration of the laws

(much relaxed in practice) than an enactment of new ones. To one merit, if we give credit to Matthew Paris, he was most unquestionably entitled: the then existing penalties of loss of eyes and of cutting off hands and feet for transgressions committed in hunting were repealed, and such offences declared to be punishable in future by fines only. John, amongst his other extravagances, stretched the forest laws to the utmost, and by the severity of his proceedings provoked insurrections amongst his barons and principal feudatories, the consequences of which we are well acquainted with. Yet it was in this reign that all lands aforested by Henry I., or Richard (except the demesne woods of the Crown) were declared to be disafforested. Various provisions were likewise made respecting the woods of individuals within the royal forests, and a laudable restriction was enacted that in future no person should lose a life or a member for taking the king's deer, but should pay a considerable fine, and if unable to do so, should be imprisoned for a year and a day, as well as find security for his good behaviour. If these terms were not complied with, he was then compelled to leave the realm. Similar regulations were repeated in the succeeding reign of Henry III., and in the ninth year after his succession that famous charter of English liberties, the *Charta de Foresta*, was promulgated. The various regulations originating with John, and afterwards adopted by Henry III., were also sanctioned by Edward I. The latter monarch, amongst other acts equally wise, both confirmed the charter of the forest and added much to the regulations of his royal progenitors. In his reign perambulations of the king's forests were required by the people, and acceded to by the king, with a view to ascertaining their real boundaries, as well as to prevent disputes in respect to their extent; on the other hand, the boldness and audacity of offenders in forests, chases, and warrens, rendered it absolutely necessary to give protection to the keepers, and occasioned the statute 'De Malefactoribus in Parcis.' The 'Ordinatio de Foresta,' which passed in the thirty-fourth

year of his reign, contains many useful regulations, more particularly in respect to the proceedings which were to be had in the forest courts. Nothing worth noticing appears to have occureed in the time of Edward II., but in the reign of his successor we find several new regulations in respect to trespasses committed in forests, particularly a statute which enacts that no person shall be taken or imprisoned for vert or venison unless taken within the 'mainour.' We find also a general pardon of all offences that had been previously committed in the royal forests. Notwithstanding the wise and prudent regulations of Edward III., the officers of the forest must have renewed their attempts, and used improper means to influence the verdicts of juries upon the subject of forest offences; otherwise it is fair to presume that the aid of Parliament would not have been resorted to by Richard II. in the seventh year of his reign. Here the regulations of the forest seem to have rested for many years. It is true, indeed, that hunting in forests in the night with painted visors was made a felony by Henry VII., as well as the entering into a forest with intent to steal deer by Henry VIII.; but the latter statute was repealed by his successor, Edward VI., towards the close of his reign, and Mary and Elizabeth showed no inclination to tyranise over their subjects through the medium of forest laws. The character of Charles I. has been the subject of much discussion. Amongst the various abuses which existed in the reign of that unfortunate monarch, we find the latent power of the forest laws most unseasonably revived. He summoned the forest courts, and called forth the full extent of their powers to his assistance; not that his intention was to punish the offences created by the forest laws, but to extort revenue independent of the grant of Parliament, which, however, passed an Act, the principal object of which was to give effect to former laws respecting the boundaries of forests. No alteration or amendment seems to have been deemed necessary at the time of the Reformation; a justice seat was, however, held for form only in the time of Charles II.

by Vere, Earl of Oxford, who made the last 'iter,' or circuit of which there is any evidence on record. Since the time of Charles I. the prerogative in forests annexed to royalty has certainly not been used for oppressive purposes; and although there has been mismanagement and worse, there has been nothing but what it was always in the power of Parliament to redress."

The chronological order of matters leading to the enactments of these forest laws appears to have been this. The primitive forests were the abode of numerous beasts of prey, which destroyed the flocks and herds, and also possessions of the inhabitants, and so annoyed them that they were fain to destroy the woods adjacent to their dwellings as a means of keeping away the wild beasts sheltering in them.

In the tenth century, Edgar, a Saxon prince, nearly exterminated wolves and foxes both in England and Wales: from the Welsh he also required an annual tribute of wolf-skins; and a wild pleasure was experienced in the chase. To secure this enjoyment for themselves and their associates the kings then took measures to preserve for their hunting the wild beasts of the field, and more especially those the flesh of which was delicate to the taste; and all beasts and birds which were wild by nature were claimed by the king as belonging to him alone, wheresoever they might be found; so that it was not lawful for any man to kill, take, or hurt any wild beast or bird even within his own grounds, and if any one did so he was liable to punishment for so doing. And further, a restriction was imposed on the destruction of woods in which wild beasts might find shelter, so that no man was allowed to cut or destroy these woods—a restriction in which we find the primitive form of the creation in England of forests as royal hunting-grounds.

"Ordericus Vitalis," says the Hon. George P. Marsh, in his volume, entitled *The Earth, as Modified by Human*

*Action*, informs us "that William the Conqueror destroyed sixty parishes, and drove out their inhabitants, in order that he might turn their lands into a forest, to be used as a hunting-ground for himself and his posterity; and he punished with death the killing of a deer, wild-boar, or even a hare."

The theoretical ground upon which the royal right to constitute a forest, was that the monarch needs recreation from the severe and harassing cares of state. But I know of nothing to be said in justification of such laws, nor can I find appropriate language expressive of my feelings of utter condemnation of them, but I think it proper to bring under notice the circumstance that they were in keeping with like laws issued in other lands.

According to Bonnemére, a bold writer in regard to much which occurred in mediæval times, these barbarous acts were simply a transfer of the customs of the French kings, of their vassals, and even of inferior gentlemen, to conquered England, and according to him, in his *Histoire des Paysans*, a work of great value, from the fearlessness with which he states truths which others have glossed or suppressed. The death of a hare was a hanging matter; the murder of a plover a capital crime. Death was inflicted on those who spread nets for pigeons; wretches who had drawn a bow upon a stag, were to be tied to the animal alive; and among the seigneurs it was a standing excuse for having killed game on forbidden ground, that they aimed at a serf.

Such were the game laws, of which the game laws of the present are the modern continuation.

## CHAPTER II.

### FOREST LEGISLATION ANTERIOR TO THE "CHARTA FORESTA."

On Canute obtaining the throne, he, in the first year of his reign, formally claimed certain hunting-grounds, forests, and chases, with prescribed lands, and from Winchester he issued laws for the preservation of his forests.

An anonymous writer, who has been repeatedly cited, says:—

"Under the code of forest law, coolly made by Canute at Winchester, and which continued in force until the reign of Henry III., the king, without leave asked or recompense given, could take possession of *any* tract of country, and use it for his purposes of recreation as he might think proper. In those days the timber of the forests was little regarded; the chief objects of care were the wild animals by which they were inhabited, and for the preservation of whose lives no precautions could be too strict. In each forest there were usually verderers appointed to its charge; and so sacred were their persons held, as being in charge of the king's deer, that if any man offered force to one of them, he was, if a freeman, to lose his freedom and all his property; and if a *villein*, his right hand was to be struck off; and for the second offence, the penalty was loss of life. It was death to kill a deer in a royal forest,—sometimes the offender had his eyes destroyed; and even if any one, through sport or malice, should chase a deer until the deer *panted*, the lowest penalty was a fine of ten shillings—an enormous sum, comparatively, in those days."

Mr M'William supplies the following translation of extracts from a law issued by Canute :—

"1. Let there be then four men of the higher class, who shall have the right, according to the customs, which the English call *pegened*, followed in each province of my kingdom, of distributing justice, and of inflicting punishment, and of all matters concerning the forest, before all my people, whether English or Danes, throughout all the kingdom of England, which four we order to be called *primarii forestæ*, chiefs (or earls) of the forest.

"2. Let there be under each of these four of the middling class of men (which the English call *lespegend*, but the Danes *yoong* men), [and which would now be called yeomen, or perhaps esquires,] who shall undertake the care and custody as well of vert as of venison.

"3. In admininistering justice, these (*yoong* men) shall not interfere in the least; and such middling persons, after having had the care of the wild animals, shall be held always as gentlemen, which the Danes call *ealdermen*.

"4. Again, under each of these, let there be two of the lower class of men, which the English call *tineman*; [or, in our modern phrase, grooms]: these shall take the right charge of vert and venison, and do the servile works.

"5. If any one of this lower class shall be a slave, so soon as he is placed in our forest, let him be free, and we therefore discharge him from bondage.

"6. Let every one of the *primarii* have every year of our wardrobe (or treasury) which the English call *michni*, two horses, one with a saddle, the other without a saddle, one sword, five lances, one dagger (*cuspis*), one shield, and two hundred shillings of silver.

"7. Every one of the middling class, one horse, one lance, one shield, and sixty shillings of silver.

"8. Every one of the lower class, one lance, one cross-bow (*arcubalista*), and fifteen shillings of silver.

"9. Let all of them, whether of the higher, middling, or lower order, be free, and quit of all provincial summons and popular pleas, which the English call *hundred laghe*

[hundred courts]; and from all burdens respecting arms, which the English call *warscot*, [*i.e.*, show of armour, and perhaps militia duty]; and from all summons to any other court, except that of the forest.

"10. Let the causes of the middling and lower officers, and the correction of them, as well civil as criminal, be judged and decided by the provident wisdom and reason of the first class, but the enormities of the first class, if any should happen (lest any crime should go unpunished), we will punish ourselves in our royal anger.

"11, 12, and 13 respect the holding of courts.

"14 to 27, enumerate crimes of the forest as to hunting, &c. Of these I shall only notice—

"21. There shall not be the same penalty and forfeiture for a gentleman (whom the Danes call ealderman) and a common person; for a master and a servant; for one known and one that is not known; nor one and the same treatment of civil and criminal causes, of those relating to the beasts of the forest, and of the royal beasts, of vert and of venison; for a crime respecting the venison has been ranked from the old time, and not undeservedly among the greater crimes; but one respecting the vert, except in its being an infraction of our royal chase, is so small and trifling, that our constitution scarcely notices it, nevertheless if any one offends therein, let him be esteemed a criminal of the forest.

"28. Let no one cut any of our wood, or underwood, without leave of the chiefs of the forest; which, if any one do, he shall be adjudged guilty of an infringement of the royal chase

"29. But if any one shall cut down an oak (*ilicem*), or any tree, that furnishes food for the beasts of the forest, beside infringement of the royal chase, he shall pay to the king twenty shillings.

"30. I will, that every free man shall have venison or vert at pleasure on his open grounds (*plana*) on his own lands, but without chase [or the right of punishing intruders]; and let all avoid mine (venison or vert), wherever I think proper to have it."

This first forest law of which we have any record was passed in 1016.

In the *Histoire des Ducs de Normandie et des Rois d'Angleterre*, it is told how William Rufus met his death in "a new forest which he had caused to be made out of eighteen parishes, which he had destroyed. . . . In which same forest his brother Richard ran so hard against a tree that he died of it, and men censoriously said that these thiugs were because they had so laid waste and taken the said parishes." And these occurrences were spoken of by the people as judgments of God passed upon them for their oppressive selfish appropriation of land which under culture had yielded food for man and beast.

The power granted to the kings by the forest laws imposed by the Norman conquerors enabled them to enclose any tract of forest they pleased, or to create new forests—not plantations of trees, but lands reserved for their hunting,—and this power was exercised with the greatest tyranny. Under the Norman kings the breadth of land appropriated as hunting grounds was greatly increased.

From the list of English forests given by Sir Henry Spelman (ante p. 134), it appears that out of the forty counties of England only fifteen of them, consisting chiefly of those situated on the east coast, did not contain forests, while some counties, such as York, contained five or six. And it is said that, what with their own possessions and the encroachments they were perpetually making on the property of their subjects, the kings of England had at length one-eighth of the counties in their possession as royal forests.

Originally the deer and other wild beasts, and the right of hunting them, was what was claimed by the crown; but at length the forests themselves were brought under the same class of laws without reference to the game; and

they remained in this state even when of trees there were none, the laws being executed with the right of forestage, and with all the privileges pertaining to royal forests and the laws of Canute. Mr M'William writes:—

"The laws of Canute were afterward confirmed by divers succeeding kings, though in practice they generally appear to have been little if anything more than the will of the crown. Yet during the time of Canute, and several of his successors, they affected the purse only: but the clergy, barons, and others, felt the severity of Henry II., and the far greater of Richard I.; for the last king directed, that whoever was convicted of killing bird or beast, or royal game, within the royal forests, should lose his eyes and testicles. For carrying this command into effect he appointed Hugh Neuill, Hugh Waly, and Hernisius Neuill, commissioners: yet notwithstanding all this, it is pretty clear that an overstretch of power, exercised by King John towards the higher classes, was the principal cause of curtailing the authority of the crown in the matter of forests. The fact was this. In the year 1209 he made war upon the King of Scotland, because that monarch had married his daughter to the Earl of Bullen without his consent. On his return with his army he overthrew and destroyed a great number of parks, warrens, &c., of which some belonged to his barons, but by far the greater part to the abbots and prelates. For, hearing the complaints of the people on his march, he *swore* with an *oath* that he would not suffer wild beasts to feed on the fat of his soil and see the people perish for want of food.

"Whatever might have been his real motive, the clergy and their adherents ascribed this act to an intention to spoil the property of those that opposed him, and to impoverish and bring the northern part of the kingdom to destruction, because he had been refused assistance by it in his expedition against Scotland.* This appears to have

* Holinshed, p. 206.

roused the feelings of the nation; and six years afterward we find the barons, &c. encamped in hostile array on Runingmede from Monday the fifteenth to Friday the nineteenth of June, 1215; during which time they were actively engaged roughhewing the broad basis on which the bulwarks of our liberty are built, by forming the Magna Charta with King John. When the preliminaries were adjusted, the articles agreed upon, and the instrument sealed, which was a parchment ten inches and three quarters broad, and twenty one and a half long; their next employment was to reduce them to the form of a charter, of which such a number was made originally that one was sent into every county, or at least into every diocese. In this charter there were several transpositions and alterations, and there were added in chap. 47 an article concerning the disafforesting of forests; in chap. 48 one about the information to be given to the king by the twelve knights before they should redress the grievances of the forest; and the whole of chap. 53, concerning the respite of disafforesting the forests, which were afforested by the king's father and brother. The people of every class were so fond of the privileges of chap. 48, that the archbishops of Canterbury and Dublin, with several bishops and others, being alarmed at the havoc made in the forests, entered a protest against the opinion that the general words of this chapter should extend to abolish the customs of the forest; as without their existence the forests themselves could not be preserved. This protest is among the records in the Tower of London."

The following are extracts translated from the Magna Charta of King John:—

"Ch. 44. Men who live out of the forest shall not be brought for any cause before our justices of the forest by common summonses, unless they are concerned in the cause, or are the bail of those who are attached to the forest.

"47. All forests which have been afforested (or made into forests) in our time, shall be immediately disafforested:

and the same shall be done with all wears for fish (*riparii*), which in our time have been by us forbidden.

"48. All the bad customs relating to forests, and warrens, and foresters, and warreners, and sheriffs, and their officers, and wears and their keepers, shall be immediately inquired into, in every county, by twelve sworn knights of the same county, who must be chosen by just men of the same county; and within forty days after this inquisition being made, they shall be abolished, so that they shall never be revived, provided that we are first informed of it, or our justiciary, if we shall not be in England.

"52. But we will have the same respect and the same manner of exhibiting justice, of disforesting forests, and of continuing forests, which Henry our father, or Richard our brother afforested," (namely, that they shall be done as soon as possible).

The nobles as well as the people had felt the grievance of forest laws, and they winced under the encroachments made upon their lands by William the Conqueror and his successors. They saw themselves for a time to be powerless to prevent the kings from seizing any part of their estates they chose, and making it a Royal forest; and it is alleged that, had the peasants and the people—the commons—alone been the sufferers, the nobles—the peers of kings—might not have done anything to arrest the evil; but when they found themselves being despoiled of their property they moved in the matter, and, after much negotiation, they extorted from Henry III. the *Carta de Foresta*, or *Charta Forestæ*, issued 10th February, 1225.

There is some confusion in the historical notices which have appeared, of these different charters. Matthew Paris relates that King John must have granted a *Charta Forestæ*, besides the *Magna Charta* signed by him—which view he seeks to support by the allegation that the small size of the parchment, on which was written the *Magna Charta*, is inconsistent, if not incompatible with the sup-

position that it could contain two charters. But Sir William Blackstone proves that the *Charta Forestæ* in question was not given by King John.

"On the twelfth of November following he renewed the great charter formerly granted by his father. This charter contained the forest laws, and the parchment was seventeen inches in breadth, and somewhat more than sixteen inches from top to bottom. It has two endorsements, and was sealed, as itself informs us, with the seals of Cardinal Gualo, the Pope's legate, and William, Earl of Pembroke: King John's great seal having been lost in passing the Wash of Lincolnshire, and no new seal having been made for the king till two years after the accident.

"In the writs of the 22d of February 1217, is the first authentic mention of a separate charter of the forest; and in the great charter the word forest is then left out, because they had a separate charter of the forest, which was afterwards almost constantly subjoined to the great charter, which bears the same date as the forest charter. In this year, about the 6th of November, a new great seal was made for Henry; but it was forbidden to be affixed to any thing of perpetuity, till the king should come of age. About the same time this charter of the forest was first promulgated among the people. This appears to disprove the fact of a separate charter of the forest being granted by King John, and confirms its being embodied in the great charter granted by him. 'For,' says Blackstone, 'it would be easy to prove that the first chap. of the forest charter has respect to the 53d of that of King John, the execution whereof was repealed by the first charter of Henry III.: that the second chapter is in a manner transcribed from chap. 44 of John, and 36 of Henry I.: that the third and fourth chapters are similar to chap. 47 and 53 of King John, and 36 of Henry I.: and the rest are amplifications of chap. 48 of King John.'

"'The original charter of the forests,' adds the same author, 'and all authentic record of it, are at present lost: but that such a one did exist is certain from a writ on

record in the patent rolls, dated the 24th of July 1218. From the whole of this it appears that the barons, clergy, &c., had guarded very much against the power of the crown in forest grants*.'"

In the Magna Charta, made in the 9th of Henry III., chap. XXI., it is declared:—

"No sheriff or bailiff of ours, or any other, shall take the horses or carts of any man to make carriage, except he pay the old price limited, that is to say, for carriage with two horses, x*d.* a day; for three horses, xiv*d.* a day. (2) No demesne cart of any spiritual person, or knight, or any lord, shall be taken by our bailiffes; (3) nor we, nor our bailiffs, nor any other shall take any man's wood for our cattles, or any other necessaries to be done, but by the licence of him whom the wood is."

In a work entitled *English Liberties; or the Free-born Subject's Inheritance*, compiled by Henry Care, and continued with large additions by an anonymous writer of the Middle Temple, which was published in 1719, there is given, together with the *Magna Charta*, the *Charta de Foresta*, with amendations illustrative of the design of the several chapters, and of the necessity which existed for the introduction of each.

The following is a copy of the *Charta Foresta*:—

*Charta Foresta*, 10*th of Feb.*, 9*th Henry III.*, 1225.

"I. First we will, that all forests, which King Henry, our grandfather, afforested shall be viewed by good and lawful men; (2) and if he have made forest of any other wood more than of his own demesne, whereby the owner of the wood hath hurt, forthwith it shall be disforested, and if he

* In another place, however, he informs us, that one of the original copies was found in the archives of the cathedral of Durham, but considerably mutilated, having been gnawed by the rats.

have made forest of his own wood, then it shall remain forest; (4) saving the common of herbage, and of other things in the same forest, to them which before were accustomed to have the same.

"II. Men who dwell out of the forest, from henceforth shall not come before the justicers of our forest by common summons, unless they be impleaded there, or be sureties for some others that were attached to the forest.

"III. All woods, which have been made forest by King Richard, our uncle, or by King John, our father, till our first coronation, shall forthwith be disforested, unless it be our demesne wood.

"IV. All archbishops, bishops, abbots, priors, earls, barons, knights, and others, our freeholders, which have their woods in forests, shall have their woods as they had them at the first coronation of King Henry, our grandfather, so that they shall be quit for ever of all purprestures, wastes, and asserts, made in those woods after that time, until the beginning of the second year of our coronation; and those that from henceforth do make purprestures without our licence, or waste, or assert, in the same, shall answer unto us for the same wastes, purprestures, and asserts.

"V. Our rangers shall go through the forest to make range, as it hath been accustomed at the time of the first coronation of King Henry, our grandfather, and not otherwise.

"VI. The law of dogs in forests.

"VII. No forester or bedel from henceforth shall make scotal, or gather garb, or oats, or any corn, lamb, or pig, nor shall take any gathering but by the sight, and upon the view of the twelve rangers, when they shall make their range (2.) So many foresters shall be assigned to the keeping of the forests, as reasonably shall seem sufficient to the keeping of the same.

"VIII. No Swanimote shall from henceforth be kept within this our realm, but thrice in the year, *videlicet*, the beginning of fifteen days before *Michaelmas*, when that our gist-takers, or walkers of our wood, come together to take

agistment in our demesne wood; about the feast of *St Martin*, in the winter, when our gist-takers shall receive our pawnage: (2) and to these two swanimotes shall come together our foresters, vienders, gist-takers, and none others, by distress: (3) and the third swanimote shall be kept in the beginning of fifteen days before the feast of *St John Baptist*, when that our gist takers do meet to hunt our deer; and at this swanimote shall meet our foresters, vienders, and none other by distress: (4) moreover every forty days throughout the year, our foresters and vienders shall meet to see the attachments of the forest, as well for greenhue as for hunting, by the presentment of the same foresters, and before them attached: (5) and the said swanimote shall not be kept but within the counties where they have used to be kept.

"IX. Every free man may agist his own free wood within our forest at his pleasure, and shall take his pawnage. (2) Also we do grant, that every free man may drive his swine freely without impediment through our demesne woods, for to agist them in their own woods, or else where they will. (3) And if the swine of any free man lie one night within our forest there shall be no occasion taken thereof whereby he may lose any of his own.

"X. No man from hencefor shall lose either life or a member for killing our deer: (2) but if any man be taken and convicted for taking our venison, he shall make a grievous fine, if he have any thing whereof; (3) and if he have nothing to lose, he shall be imprisoned a year and a day; (4) and after the year and a day expired, if he can find sufficient sureties he shall be delivered; and if not he shall abjure the realm of England.

"XI. Whatsoever archbishop, bishop, earl, or baron, coming to us at our commandment, passing by our forests, it shall be lawful for him to take and kill one or two of our deer, by view of our forester, if he be present, or else he shall cause one to blow a horn for him, that he seem not to steal our deer, and likewise they shall do in returning from us, as it is aforesaid.

"XII. Every free man from henceforth, without danger, shall make in his own wood, or his land, or in his water, which he hath within our forest, mills, springs, pools, marlpits, ditches, or earable ground, without enclosing that earable ground, so that it be not to the annoyance of any of his neighbours.

"XIII. Every free man shall have within his own wood ayries of hawks, sparrow hawks, falcons, eagles, and herons, and shall also have the honey that is found within his woods.

"XIV. No forester from henceforth, which is not forester in fee, paying to us ferm for his bailiwick, shall take any chiminage, or toll within his bailiwick; (2) but a forester in fee, paying us ferm for his bailiwick, shall take chiminage; that is to say, for carriage by cart the half year ii*d.*, and for another half year ii*d.*: for a horse that beareth loads, every half year a halfpenny, and by another half year a halfpenny; but of those only who come as merchants through his bailiwick by licence to buy bushes, timber, bark, coals,* and to sell them again at their pleasure; but for none other carriage by cart chiminage shall be taken; (3) nor chiminage shall not be taken but in such places only where it hath been use to be. (4) Those which bear upon their backs brushment, bark, or coal to sell, though it be their living, shall pay no chiminage to our foresters, except they take it within our demesne woods.

"XV. All that be outlawed for the forest only, since the time of King Henry our grandfather, until our first coronation, shall come to our peace without let, and shall find two sureties, that from henceforth they shall not trespass unto us within our forests.

"XVI. No constable, castellan, or bailiff, shall hold plea of forest, neither for greenhue nor hunting; (2) but every forester in fee shall make attachments for pleas of forest, as well for greenhue as for hunting, and shall present

* By coals in these laws charcoal is to be understood.

them to the vienders of the province; (3) and when they be enrolled and enclosed under the seal of the vienders, they shall be presented to our chief justicers of our forest when they shall come into those parts to hold the pleas of the forest, and before them they shall be determined; (4) and these liberties of the forest we have granted to all men, saving to archbishops, bishops, abbots, priors, earls, barons, knights, and to other persons, as well spiritual as temporal, Templars, Hospitallers, their liberty and free customs, as well within the forest as without, and in warrens and other places which they have had. (5) All these liberties and customs we, &c., *as it followeth in the end of the great charter specified.* That is, that the clergy, nobility, and gentry had given the king the fifteenth part of all their movables; and that the king, for himself and his heirs, should do nothing to infringe, or break any of the liberties of the charter, which is witnessed by a great number of nobility and gentry therein *named.*"

The forests which were made by Henry II. or by John, had their boundaries known by record; for there was a perambulation of them taken in the time of Edward I, and notice was given, in the several forest counties, to all concerned to appear at a certain time and place, to show cause, if they had any, why the perambulation should not be confirmed; and according to Matthew Paris, all the new made forests were disforested, and the perambulation confirmed on the 14th of February 1300, being the 28th of Edward I.; and these borders, then fixed, were to continue for ever. 'This seems,' says Blackstone, 'to have been the final and complete establishment of these two charters of liberties and of the forest; which, from their first concession under King John, A.D. 1215, had been often endangered and undergone very many mutations for the space of near a century, but were now fixed upon eternal bases, having in all, before and since this time (as Sir Edward Coke observes), been established, confirmed, and commanded to be put in execution by two and thirty several acts of parliament.'

By the laws of Canute people had been prohibited from entering the royal forests, and, as has been shown, the forest might include the lands of private individuals. The freehold of such lands remained in the hands of the proprietor, but the forest laws were in force there as in other parts of the enclosure. By this charter all such lands were released from these, and only the royal demesne remained subject to their rule. Of the necessity which there was for these, and of the amelioration which followed, which, though not perfect, was great. Care supplies some interesting illustrations.

The *Charta de Foresta* was confirmed in the same year with the *Magna Charta*, viz., anno 9th, Henry III., and it was confirmed in the 38th year of Edward I., and published with ecclesiastical denunciations by the bishops against all who should break either of these charters, copies of which denunciations are also given by Care.

Much interesting information is embodied in Manwood's treatise of the *Laws of the Forest*, &c., already referred to. Amongst other things it appears, that in the legal phraseology of the sixteenth century, *vert* is the arborescent vegetation of the forest shrubs and trees; *game*, the beasts of the forest; and *venison*, the beasts of the field. They are thus distinguished:—

"Beasts of the forest make their bed during the day in the coverts; and in the night season betake themselves to the pleasant feeding," and such, according to him, are the beasts of the venerie—the hart, the hind, the hare, the boar, and the wolf.

"Beasts of the field lie all the day in the field, and upon the hills and mountains, where they can see, and eat during the night. They are the beasts of the chase—the buck, the doe, the fox, the marten and roe." These constitute the venison.

The author, holding enthusiastically to the legal use of the designation forest, as if it were that which in all ages and in all lands must have regulated the use of it in all

circumstances, with great *naïveté*, adduces from Scripture testimony to the great antiquity of forests, and by consequence of forest laws.

Quoting Psalm l. 10,—Every beast of the forest is mine, and the cattle upon a thousand hills; and Psalm cxxxii. 6, Lo, we heard of it at Ephratah, we found it in the fields of the wood. He adds, "Hereby we may gather that there were forests in the prophet David's time," and by the same authority he justifies the distinction he has drawn between the beasts of the forest and the beasts of the field, adducing as proof, Psalm civ., v. 20: Thou makest darkness, and it is night: wherein all the beasts of the forest do creep forth. The young lions roar after their prey, and seek their meat from God. The sun ariseth, they gather themselves together, and lay them down in their dens; and Psalm l. 9-11: I will take no bullock out of thy house, nor he-goats out of thy folds. For every beast of the forest is mine, and the cattle upon a thousand hills. I know all the fowls of the mountains, and the wild beasts of the field are mine. I cite his exposition, but I do not accept it!

The vert, consisting of the arborescent vegetation of the forest, is described by him as consisting of *Over-vert* or trees, and *Neather-vert* or shrubs. "And," says he, "as a forest might, and generally did, include private properties as well as royal demesnes, there were a number of particulars relating to them, in regard to which the proprietor was required to satisfy the forest-officers; and heavy penalties were attached to waste of the vert. If a man cut down aught of his own, without licence to do so, even though it should grow again, it was reckoned waste, and punished as such, because destroying the covert of the game. If, having a licence to cut upon his own property, and he should do so, but not enclose or fence the ground to secure the renewed growth of the vert, it was waste, and was punishable as such. If holding such a licence to fell his woods, he doth fell them at such unseasonable times that they do thereby die, and grow no more to be covert in the forest, this shall be said to be waste and destruction of the forest.

"*Assart* is the plucking up covert by the roots, and converting the vert into tillage; and *Pier reste* is erecting houses or enclosures in the forest,—both of them offences against the forest laws, to be severely punished. *Agistment* is the pasturage of the forest, or money received for this. *Pannage* is the money received for mast, acorns, &c., eaten by hogs: and *Fence Moneth* is the close time enacted for the security of the game, at the time of dropping and suckling the young."

All of these, and many other subjects connected with the game and venison, are discussed in the work. Included amongst these are the designations to be employed in describing the different animals at different ages, or in herds, and the designation to be given to the different parts of the animals and their cries, &c.

With regnrd to designations given to wood, it is stated by a writer in the *Journal of Forestry* :—

"*Lop and Top* is that part of the stem or body of the tree, stripped of the branches, which in navy timber is cut off by direction of the purveyor, as unfit for naval use; and in stolen timber that part which the thief either voluntarily leaves behind him, or has not an opportunity of conveying away. It frequently happens that these tops contain timber fit for carpenters' or coopers' uses, and sometimes knees and crooked timbers fit for small vessels, but very rarely for king's ships. When they are unfit for any of these uses they are cut into cordwood.

"*Cordwood* consists of the boughs and branches of trees cut into pieces a little over two feet in length, and generally about the thickness of a man's arm. Where the branches happen to exceed that thickness, they are cleft into two or more pieces to reduce them to that size, in order to be made into charcoal. A cord of wood is a pile of these pieces of the exact dimensions of 8 ft. 8 in. long, 4 ft. 4 in. high, and 2 ft. 2 in. thick, which last is the length of each piece.

"*Lop, crop,* and *offal* have all the same signification,

viz., the boughs and branches of trees, and all are made into cordwood, but the cordwood of naval timber is made from the whole lops or branches of navy trees, and that arising from miners and stolen timber only from the boughs and branches left by the colliers or timber stealers, and the wood so left is termed 'offal wood.'

"*Kibbles* are stolen pieces of timber cut into suitable lengths for cider casks and for wheelwrights."

Of the forest officers and their duties the following account is given in the *Journal of Forestry*:—

"The origin of the laws and regulations of forests seems to be involved in equal obscurity with that of the forests themselves; but if we except the Justices in Eyre, there was no officer who had any general superintendence of the forests before the reign of Henry VIII. But in each forest there was a distinct set of officers, viz:—

"1st. Verderers, or judges of the Swainmote Court, and directors of all the other officers in the forest. There were usually four in every forest.

"2nd. Regarders, who were to go through the whole forest, and make their regard every third year; to inquire of all offences in the forest, and survey all 'asserts, wastes, and purprestures.' There should be twelve regarders in every forest.

"3rd. Foresters, whose duty it was to preserve the vert and venison in the forest, to attack offenders, and present offences at the forest-court. The number was determined by the occasion for them in each forest, according to the discretion of the regarders.

"4th. Agistors, whose office was to receive and account for the agistment or profit arising from the herbage or pannage of the king's woods and lands in the forests. The full complement was four to each forest.

"5th. Woodwards, whose charge was to look after the woods, and to present offences therein at the forest courts. Their number does not seem to have been determined.

"6th. A steward, whose duty it was to attend the courts

of Swainmote, and assist the verderer or judge. Besides these officers there were usually a lord warden, lieutenant, or master forester appointed by the king in each forest, and probably other officers, according to local custom. There were three courts appertaining to the forest. namely, the Court of Attachment or Woodmote, the Court of Swainmote, and the Justice Seat, or Court of the Chief Justice in Eyre. The first two of these courts were composed of the officers in each forest. The Court of Attachment or Woodmote was expected to be held every forty days, every officer in the forest attending. This court was to inquire into all offences of every kind done in the forest, and to present them at the Swainmote Court, and to the Lord Chief Justice in Eyre. The Court of Swainmote, in which the verderers were judges, was supposed to be held three times a year: the first court, fifteen days before Midsummer, for the purpose of clearing the forest of all animals except deer for the next month, which was called the fence month, which is the fawning season, and the deer require to be undisturbed; the next, fifteen days before Michaelmas, when the herbage money for cattle was received, and the swine admitted to feed on acorns and beechmast, called pannage; and the third court forty days after Michaelmas, on the feast of St. Martin. At that time the forest was again cleared, and no animal except deer admitted from the 11th November until the 23rd April (old style), which period was called the Winter Haining. At this court the presentments of the Court of Attachment were received and enrolled, the smaller offences tried and those of more importance presented to the Justice in Eyre, to whom the rolls of this court were certified at the next sessions of Eyre, and those rolls were expected to contain an account of every offence committed, of every deer killed, and of every tree felled in the forest by what warrant, and of what price or value; with every fine imposed, and the agistment of money paid for the pasturage of cattle and pannage of swine. The court of justice seat was to be held in each forest once in every three years.

"Though many of these ancient regulations appear to be well calculated for the preservation of the forest, yet even as early as the reign of Henry VIII., some other regulations were deemed necessary. In the 33rd year of that reign an Act was passed establishing a court called the Court of General Surveyors of the king's lands, which was to consist of the king's surveyor, a treasurer, an attorney, the master of the woods, auditors, general receivers, a clerk of the court, an usher, and messenger. This court had a general superintendence of the lands belonging to the Crown. The master of the woods was empowered, with the assent of the court, to make sales of wood, &c., in the forest, and none could be cut without his warrant and the assent of the said court. But in the 38th year of the same reign that court was dissolved, and a new one called the Court of Augmentations was created, and invested with all the powers of the former court. One master and one surveyor for the month, and one of each for the north of the Trent, were members of it, and in each district wood sales were ordained to be made by the certificate of the surveyor, and by the commission of the master of the woods, with the consent of the Justice in Eyre. Both these courts seem to have been very well constituted for the remedy of what was defective as to the preservation of timber, and in the administration and management of the forests under the forest laws. From the account which has been given of the Courts of Attachment and Swainmote, of the duty of the different officers within each forest, and of the power of the Justice in Eyre, it appears that ample means were provided for the care and preservation of the forest, for guarding against intrusions, and for the punishment of offences, so long as the functions of those officers were properly executed. But the power vested in the Chief Justice in Eyre himself was often abused, and that officer irregularly disposed of timber in the forest for his own advantage. This abuse the authority given to those courts was well calculated to prevent. By uniting the different officers, the surveyors-

general, the masters of the woods, the receivers and the auditors in one court, they would have been a check upon one another, and if either of these courts had been continued, and had acted in conjunction with the forest officers as was intended, great profit to the country would have been the result. But the last of these courts being established only by letters patent, it had perhaps on that account the less weight; and the Justices in Eyre, who had usually but improperly taken upon themselves to make wood sales, and who happened during that and the succeeding reign to be men of great power, contracted the measures of the Court of Augmentations, and made great waste of the timber for their own profit—in fact, they stole it. And although that court was afterwards confirmed by Act of Parliament, power was given by another Act to Queen Mary to alter, change, transpose, dissolve, or determine the Court of Augmentations, and she did accordingly soon afterwards dissolve that court, and by other letters patent annex the same to the Court of Exchequer. According to such articles and ordinances as were contained in a schedule annexed to the letters patent, by one of those articles no wood sales could afterwards be made without a commission from the Lord Treasurer and two such other of the court as he should call to him at the time, or in his absence by the Under Treasurer, calling to him two of the said court; and another article gives power to the Lord Treasurer and the Court of Exchequer to amend, reform, and correct any clause or article therein contained, and to make such further order as the court should think expedient. The Court of Augmentations was thus dissolved, and its powers transferred to the Court of Exchequer; but the system of management being still found to be defective, a surveyor-general of the woods was afterwards appointed, which office existed for a very long period, and finally the control of the forests was vested in the Commissioners of Woods and Forests, who are at present the custodians of the public interests."

## CHAPTER III.

### FOREST LEGISLATION SUBSEQUENT TO THE "CHARTA FORESTA" TILL THE CLOSE OF THE EIGHTEENTH CENTURY.

In the preceding chapter we have had occasional allusions in the forest legislation to the conservation of trees: subsequently this demanded more attention, and that on different grounds. Thus far it had been attended to in the interest of the sportsman wishing covert for his game; now it began to demand attention in the interest of the community requiring fuel for the cooking of their food, and the maintenance of comfortable warmth in their homes.

Mr M'William writes:—

"The restriction on cutting of wood appears now to have been considerably felt, for at this time they depended entirely on the wood, not only for fires, but likewise light; for it was usual then to split the wood into thin slips, and use it for candles, as they now do in the highlands of Scotland.

"The 13th of Edward III., chap. 1 and 2, gave considerable liberty for cutting and carrying wood; but it was to be done within view of the keepers of the forest. Henry VII. made some little alterations with respect to hunting illegally in the royal forests.

"In the 17th and 25th of Henry VIII. there are several acts respecting the forests; but they are principally modifications of former acts.

"In the 27th of this reign, chap. 7 is an act, by which all the king's subjects and friends are allowed to pass freely through the forests of Wales, without the payment of certain fees, which used unjustly to be demanded by the foresters.

"The act in the same year, chap. 28, by which Henry seized the greater part of the church lands, with their timber, and converted them to his own use, was a severe blow to the woods in general.

"In the 35th of this reign was passed an act for the preservation of wood, but principally respecting coal and billet wood.

"In chap. 17, an act for the preservation of timber, we find:—'The king our sovereign, perceiving and right well knowing the great decay of timber and wood universally within the realm of England, and that, unless a speedy remedy in that behalf be provided, there is a great and manifest likelihood of scarcity and lack, as well for building houses and ships, as for firewood; it is enacted, that in copse of underwood felled at 24 years' growth there shall be left twelve standrells, or store oaks, on each acre, or in default of oaks, so many elm, ash, or beech, &c.; and that they be of such as are likely trees for timber, and such as have been left at former fellings, if there have been any left before; under pain of forfeiting of 3s. 4d. for every such standard not left, one half to the crown, and the other to the party who may inform, and may choose to sue for it in any court of record, which might be done as in an action for debt. When cut under fourteen years' growth, the ground shall be enclosed or protected for four years, by the proprietor or the lawful possessor of the wood, under pain for not enclosing for every rood so left unenclosed 3s. 4d. for every month it may remain so unenclosed. No calves are to be put in for two years after felling, and no other cattle for four years. Wood cut from 14 to 24 years of age to be six years enclosed under the same penalty; after 24 years twelve trees to be left, under penalty of 6s. 8d. each tree, the moiety to the crown, and the informer may recover as before. The ground to be kept enclosed for seven years, under the penalty of 3s. 4d. per rood per month as before.' And cutting trees on waste or common lands was to be punished by forfeiting 6s. 8d. for every tree so cut: but in the county of Corn-

wall, within two miles of the sea, trees might be felled when dead on the top.

"No wood containing two or more acres, at the distance of two furlongs from the house of the owner, was to be cut down, under the pain of forfeiture of ten pounds for every acre of woodland so destroyed. Woods felled under fourteen years were afterward not to have colts or calves put into them till eight years after cutting and enclosing. Most of these acts of Henry, &c., were only temporary, till the 13th of Elizabeth, chap. 25, when the time of protection was enlarged, and the whole made permanent. By the 7th of Edward VI., chap. 7, the act of the 35th of Henry VIII., chap. 3, was confirmed, and a little modified.

"It was then enacted, that every sack of coals should contain four bushels; and every taleshide (bundle of cleft wood) be four feet long beside the carfe; and if named one, to be marked one, and to be sixteen inches circumference within a foot of the middle: if two, marked two, and twenty-three inches girt: if three, marked as such, and to be twenty-eight inches girt: if four, to girt thirty-three inches: if five, to girt thirty-eight inches: and so on, in proportion. Billet wood was to be three feet four inches in length: the single one to be seventeen inches and a-half in girt, and every billet of one cast, as they term the mark, to be ten inches about; and of two cast, to be fourteen inches girt, and to be marked within six inches of the middle, unless for the private use of the owner. Every bound faggot should be three feet long, and the band twenty-four inches in circumference, beside the knot. This act was principally for London, but the 43d of Elizabeth, chap. 14, rendered the statute more general; and ordered that the faggots should be every stick three feet in length, except one to harden and wedge the binding of it. This was to prevent the abuse then much practised of filling the middle with short sticks.

"These acts were confirmed by the 9th of Ann, chap. 15; and the tenth of the same reign, chap. 6, directs that the assize of billet shall not extend to *beech;* but that

these shall not be sold in London or Winchester, unless the vender make them of the same size as required by the statue for other wood. Chap. 17 of the 7th of Edward VI. is an act for preventing unlawful hunting in parks, chases, forests, &c.; and confirms the 38th of Henry VIII.

"The 2d and 3d of Philip and Mary, chap. 2, confirms that of Henry VII., and of the 20th of Henry VIII.; and in the 27th of Elizabeth there is another act to the same effect nearly as that of Henry VIII., which she then made permanent; and to render it still more complete and effectual in promoting improvement, it farther enacts that timber of 22 years' growth shall be exempted from tithes. By the first of Elizabeth, timber shall not be felled for iron workers of the breadth of one foot at the stub, and growing within 14 miles of the sea, or of the river Thames, Severn, Wye, Humber, Dee, Tyne, Tees, Trent, or any other navigable river or creek, under pain of forfeiture of forty shillings for every tree, one moiety to the crown, and the other to the informer, recoverable as before.

"Second of Elizabeth, chap. 19, is an Act for the preservation of timber in the wolds of Kent, Surrey, and Sussex.

"By the 43d of Elizabeth. chap. 7, it is enacted that, if any idle person cut or spoil any wood or underwood, pales, or trees standing, and be convicted by the oath of one or more witnesses, if they cannot pay the satisfaction required, they shall be whipped. Receivers of wood so cut, knowing it to be so, to incur the same punishment.

"The 2d of James I., chap. 22, is an Act respecting bark, as it relates to tanners, curriers, shoemakers, and others concerned in leather. By sect. 19 it is enacted that no person shall contract for oak bark to sell again, &c. By sect. 20, that no person shall fell, or cause to be felled, any oak tree meet to be barked, where the bark is worth two shillings a cartload over and above the charges of barking and peeling, timber to be employed in building and repairing houses and mills, excepted, but between the

first day of April and last day of June, upon pain of forfeiture of every such oak tree, or double the value thereof. And by sect. 21, for the better preservation of timber, (which by the takers is spoiled through the desire of gain, from the top and lop, or bark of timber trees), it is therefore enacted that no taker, purveyor, &c., or their deputies, shall fell for the use of the crown, any oak tree meet to be barked, but in the barking season, except for the purposes before mentioned; or take or receive any profit, gain, or commodity, by any top, or lop, or bark of any tree to be taken or cut out of the barking season; and then only those for the king's house or ships, under pain of forfeiture to the party aggrieved (or on whose grounds the tree may be cut) for every tree so felled forty shillings: and it shall be lawful for every party, of whom such tree shall be taken to retain all the bark, top, and lop of the whole of such trees, notwithstanding any commission or other matter.

"The 15th of Charles II., chap. 2, is an act to render the 43d of Elizabeth more effective; and it enacts farther punishment, on account that the destruction of wood tends to destroy the commonwealth. It is therein declared that the officers of justice may apprehend even on suspicion of having carried, or in any way conveyed any burden or bundle of wood of any kind, underwood, poles, young trees, bark, or bast of any tree, gate, stile, post, rail, or hedgerow, wood, broom, or furze. And by warrant from a justice of the peace they may enter their houses or premises, to search and apprehend, even on suspicion, either the carrier or the receiver. For the first offence on conviction, to be fined at the discretion of the justice, not exceeding ten pounds, or be sent to the house of correction for any time not exceeding one month; or be whipped. For the second offence the offender is to be sent to the house of correction for one month; for the third he is to be deemed an incorrigible rogue. The buyers of any wood from suspicious persons are to be fined treble the value of such wood, or be committed to prison for one month without bail.

"Chap. 3 of the 19th of Charles II. is an Act for the increase and preservation of timber within the Forest of Dean. Eleven thousand acres are directed to be enclosed. Commissioners may sell decayed trees, to make good and maintain the said enclosures. When and how much shall be laid open, and by what authority as much shall be enclosed as has been opened, is declared. Wood fit for sale must be viewed and marked by the justices. Cutting wood contrary to this act subjects the party offending to the penalties mentioned in former acts. The enclosed land to be all re-afforested. All estates made out of it to any person whatever to be null and void. The king may retain game of deer, but not above eight hundred.

"Proviso for owners, tenants, and occupiers: former offences remitted; pannage shall be re-enjoined after Mich. 1687; and when and in what manner all privileges to be enjoyed. Proviso for the inhabitants of St Brerils to enjoy the woods growing upon a *place* called *Hudnals*. Minors' rights saved. Letters patent for certain woods and iron works saved. Coal mines and grindstone quarries may be leased.

"In the 9th and 10th of William III., chap. 36, is an Act for the preservation of wood in the New Forest, in the county of Southampton. Two hundred acres, part of this forest, to be enclosed for the growth of timber, after being set out by commissioners: two hundred acres more to be enclosed yearly for twenty years, and to remain in possession of the Crown for ever. Wood is not to be cut without sufficient authority. No coppice wood to be cut. Enclosures not to be ploughed or sown. The foresters to be fined if they browse or lop any oak or beach tree in the forest. Charcoal not to be made within one thousand paces of the enclosure. Persons breaking down fences may be committed as rogues and vagabonds.

"Ninth of Ann, chap. 17, is for the preservation of white and other pine trees growing in Her Majesty's colonies of New Hampshire, Massachusets Bay, and Province of Maine, Rhode Island, Providence Plantation, the New

Narraganset Country, or King's Province, and Connecticut in New England, New York, and New Jersey. No person within the said colonies shall presume to cut, sell, or destroy white or other sort of pine tree, fit for masts, not being the property of any private person, such tree being the growth of twenty-four inches and upward at twelve inches from the ground, without the royal licence for so doing, under the pain of forfeiting £100 for every such offence, one moiety to the crown, and the other to the informer, who may recover the same in any court of record. The surveyor-general to mark the trees to be cut with the broad arrow; but no other person than he or his deputy to make any mark under the penalty of £5.

"In the 12th of Ann we find an Act, chap. 9, for encouraging the importation of naval stores from America and Scotland for eleven years, and thence to the end of the next session.

"Section 26 observes: 'Whereas there are in several parts of North Britain, called Scotland, pine and fir trees fit for masts, and for making pitch, tar, resin, and other naval stores; but the land and woods which may yield such naval stores are mostly in parts mountainous, and remote from navigable rivers, therefore, for the encouragement of the proprietor of such lands and woods in making roads and passages in rivers in those northern parts useful and commodious to the public, as well as for conveying such naval stores to the seaports in North Britain, to be brought by sea to England: Be it enacted, that there be given a premium for every tun of hemp £6, of tar £4, of pitch £4, of resin £3, of masts 20*s.*; to be paid by the officers of the navy on a certificate from the custom-house officer, where the stores are landed.'

"The first year of George I. presents us with an Act, chap. 48, for the encouragement of planting and preserving woods. By it maliciously setting fire to woods is made felony.

"Sect. 17 of chap. 2, 5th of George I., directs particular examination into the quality of Scotch tar.

"The 6th of George I., chap. 16, is another Act for the encouragement of planting and preserving woods. By it damage done to woods is made recoverable from the parish, unless within a certain time it discovers and convicts the real offender.

"Sect. 3 of chap. 12 of the 8th of the same king directs, that the inspecting officer shall grant no certificate, unless the articles, of which tar is particularly mentioned, are of good quality. It has been said, that this act was a repeal of the acts of Ann above-mentioned: yet there appears no other repeal than of what relates to cutting or destroying the white pine in America; the rest, being temporary, was left to expire in due course. In it, however, many sorts of timber are enumerated as being imported from America; among them oak, wainscot, pine, &c.; and, in consequence of these being imported from foreign countries at very advanced prices, particularly in time of war, it is enacted, that due encouragement be given to importation from the colonies. The law respecting the pine is nearly the same as enacted by Ann, but the penalty is reduced.

"In the 6th of George III., chap. 36, is an Act for the better preservation of timber and trees. It is enacted, that every person, not being the lawful owner, who shall lop or top, cut or spoil, split down, damage, or otherwise destroy, any kinds of wood, underwood, poles, stack of wood, green-stubs, or young trees, or carry or convey away the same, or shall have in their custody any such, and shall not be able to give a satisfactory account how they came by them, shall be convicted before a magistrate on the oath of one or more credible witnesses, and be fined, for the first offence, any sum not exceeding 40*s.*, with all costs; for the second, not exceeding £5; and for the third offence be deemed an incorrigible rogue. Oak, beech, chesnut, walnut, ash, elm, cedar, fir, asp, lime, sycamore, and birch, to be considered as timber.

"This Act was confirmed by chap. 33 of the 13th of George III., which farther enacted that poplar, alder, larch, maple, and hornbeam, should be deemed timber trees.

"And it was farther confirmed in the 45th of the same reign, chap. 66, which was made to prevent illegally carrying away bark, and destroying holly, thorns, quickset, &c. Previous to the last, in the session of 39-40, an Act nearly the same as that of the 2d of James I. respecting bark had been passed.

"By chap. 53, 47th of George III., however, so much of that of the 2d of James I. as prohibited oak bark from being sold again, under forfeiture of the whole of the bark so sold, was repealed.

"An. Reg. 48, chap. 72, was for the better preservation of wood in the Forest of Dean, similar to that of the 19th of Charles II., chap. 3, where eleven thousand acres are directed to be kept enclosed in the forest; and this Act enjoins six thousand acres to be kept enclosed in the New Forest, to be called nurseries for wood and timber. When the wood in such enclosures is past danger from the browsing of deer, &c., they may be laid open, and other quantities enclosed. Every person who shall unlawfully destroy, or take away, or break any timber, shall forfeit for the first offence £10, for the second £20; but the third offence is felony, and incurs a punishment of transportation beyond seas for seven years.

"In 50 George III., we have an Act to extend and amend that of the 39th and 40th of his reign for the preservation of timber in the New Forest, and to ascertain its boundaries: and another, chap. 218, for disforesting the Forest of Bere, in the county of Southampton. The waste land, it observes, had been of great value and utility from the timber and underwood thereon, which of late years have been much injured,and in many parts totally destroyed. In sect. 64 it is enacted that no sheep, lambs, &c., be kept for ten years in any of the enclosures of the Forest of Bere, unless the owners protect their neighbour's fences from such sheep, &c.

"An. Reg. 52, an Act passed for making perpetual that of the 12th of his reign for lowering the duty on bark, after it comes to a certain price."

By an ancient law of some nations, he forfeited his hand who beheaded a tree without leave of the owner.

In the Duke of Luxemburg's dominions, no farmer was permitted to fell a tree, without he could make it appear that he had planted another. Lewis XIV. of France would permit no oak trees to be cut, to whomever they might belong, till his surveying officer had marked them out: nor could they be felled beyond such a circuit as was sufficiently fenced in by him who bought them; and then no cattle were allowed to be put in, till the seedlings which sprung out of the ground were perfectly out of danger.

Mr M'William reports:—"By a law of our King Ina it was enacted, that if anyone set fire to a wood, he should be punished beside paying a fine of three pounds (an immense sum in those days): and for those who clandestinely cut, of which the very sound of the axe was to be sufficient conviction, for every tree he should be mulcted thirty shillings. For a tree so felled, under the shadow of which thirty hogs could stand, the offender was to be mulcted three pounds.* If any one cut down a standing tree so as to cross the way, or bore away a bough or branch, for each misdemeanour he was to forfeit to the king one hundred shillings."

* Clerk's Doomsday, p. 3.

## CHAPTER IV.

### FORMER GAME LAWS.

THE legislation of England throughout the centuries preceding the present has shown endeavours to restrict the devastation of forests; but it was all in the interest of the sportsman. I quote again the report of Mr M'William:—

"Notwithstanding the havoc committed by the Romans, this country abounded with high woods and thickets; and these were full of wild beasts, which after their time annoyed the inhabitants so much, that they were anxious to destroy the woods in order to drive the wild beasts farther from them. In the year 954, Edgar, a Saxon prince, was king of this island. He nearly exterminated the wolves and foxes, both in England and Wales, so that but few remained. As a ready way of destroying them, he obliged the Welsh to pay him yearly a certain tribute of wolfskins. When the ravenous beasts were destroyed, the others afforded great amusement to the king and his nobles. The kings then began to be careful of them, particularly venison and those which were delicate food,* and to privilege or protect the woods, where these wild beasts remained; so that no man was allowed to cut or destroy these woods, and these receptacles for wild beasts became forests. At that time, all beasts and birds, that were wild by nature, were wholly the property of the king, on whosever ground or lands they were found,† within any part of the realm, as well as those that were out of the forests, chases, and warrens, as those that remained within any of them; so that it was not lawful for any man to

* Manwood. † Ibid. p. 13.

kill, take, or hurt, any wild beast or bird, within his own ground; and if any one did so, he was liable to be punished for the same. This law continued till Canute the Dane came to the English crown; who, it appears, appointed certain forests and chases, and fixed their limits the first year of his reign."

"A Juris-consult," in the first number of *The Farmers' Magazine*, published in the last year of the last century on Manorial Claims, thus speaks of the claim or right to the game of a manor or district:—

"The game of a manor, *i.e.*, deer, hares, partridges, pheasants, and moor game or grouse, &c., was, at a remote period, considered as the property of the crown, but granted with the manor itself to an inferior lord, under the ancient forest laws, and has been, for many centuries, a fertile source of strife and discord to the more spirited inhabitants of this and other countries. The regulations concerning this subject of legislative wisdom, might seem indeed to have been invented with no other view; for though it were not probable that the lord of a manor, so granted, would have any dispute with his superior or granter, yet the opportunities of harassing his inferiors, by efforts of petty tyranny, were such, as perpetually to embitter the minds, and indeed ultimately to debase the character, of both the oppressor and oppressed. After a part of the lands within the manors had been alienated so generally in fee simple, during the reign of Henry VII. and in subsequent times, the purchasers of such lands, or their heirs, now become freeholders, very naturally conceiving themselves interested in the game, in proportion to their acquisitions of landed property, except in cases of free warren; the difficulties of preserving the monopoly of this object of diversion and luxury, in the hands of the manorial lords, were much increased. Hence arose the apparent necessity of applying to the legislature for a new code of game laws, the partiality and injustice of which are not more glaring than their absurdity.

"This famous code is ably explained by that excellent commentator on the laws of England, Sir Wm. Blackstone, in the following words (vol. iv., p. 408, 4th edit.):—'Another violent alteration of the English constitution consisted in the depopulation of whole countries, for the purposes of the King's royal diversion; and subjecting both them, and all the ancient forests of the kingdom, to the unreasonable severities of forest laws imported from the continent, whereby the slaughter of a beast was made almost as penal as the death of a man. In the Saxon times, though no man was allowed to kill or chase the king's deer, yet he might start any game and pursue and kill it upon his own estate. But the rigour of these new constitutions vested the sole property of all the game in England in the king alone; and no man was entitled to disturb any fowl of the air, or any beast of the field, of such kind as were specially reserved for the royal amusement of the sovereign, without express licence from the king, by grant of a chase or free warren; and those franchises were granted, as much with a view to preserve the breed of animals, as to indulge the subject. From a similar principle to which, though the forest laws are now mitigated, and by degrees grown entirely obsolete, yet from this root has sprung a bastard slip, known by the name of the Game Law, now arrived to, and wantoning in its highest vigour; both founded upon the same unreasonable notions of permanent property in wild creatures; and both productive of the same tyranny to the commons; but with this difference, that the forest laws established only one mighty hunter throughout the land, the game laws have raised a little Nimrod in every manor. And in one respect the ancient law was much less unreasonable than the modern: for the king's grantee of a chase, or free warren, might kill game in every part of his franchise; but now though a freeholder of less than £100 a year is forbidden to kill a partridge upon his own estate, yet nobody else (not even the lord of the manor, unless he hath a grant of free warren) can do it without committing a trespass, and subjecting himself to an action.'

"The partiality and injustice of this code is further apparent, in the attempts of the lords of manors to preserve the monopoly of the game in themselves or their deputies, by limiting the right, or qualification to kill it, to the owner of £100 per annum; while a man, having any quantity of land less than the above partial and unjust limitation, is prohibited from killing a hare or a partridge in his own field or garden. The absurdity of the game laws is obvious; because the very man who cannot kill a hare on his own field or garden, can prevent the one qualified by law from killing it there, by action of tresspass and damages, and previous discharge from his premises. Is it necessary here to call the attention of the reader to the absolute impossibility of rendering any law, authorising a marauder to enter the property of another man, under pretence of killing game, compatible with the sacred security of property, so imperiously demanding the attention of every legislator; but, in addition to this, what ought to be the character of that law, which demands ten times as much to qualify a man to kill a partridge, as it does to qualify a juror to kill a man? In fact, since all these laws, instead of preserving the game for the rightful owner, have been fabricated in the genuine spirit of a grasping monopoly, the present property in the game is completely vested in the hands of the nocturnal poacher, who has, in most manors, even the *undisputed* possession; indeed it is a necessary consequence of all unjust laws, to create the very thing they are intended to prevent.

"On the whole, these game laws form a grievance to the cultivator of the soil, not only because he is generally debarred from any part of a pleasure which the game on his farm might occasionally furnish, and to which he seems to have so natural a right; but because his crops and fences are frequently injured by men, with their horses and dogs, taking liberties utterly inconsistent with that security of property which ought to be held inviolable in all civilised countries.

"All this injustice and partiality, all this absurdity and grievance, would be effectually banished, were the whole code of the game laws repealed, and a new law enacted, founded on the principles of justice and equity; whereby the *absolute* property of the game should be vested, as of common right it ought to be, in the proprietor of the land it can be killed on, whether such land be a rood or an acre, whether a garden, a field, or a wood. It will appear from the above quotation from the learned and laborious Blackstone, that this would be nothing more than a revival of the ancient Saxon or British law, which for ages had thus operated before the inruption of the Norman conquerors, by whose fatal success all the excellent and free institutions of Anglo-Saxon policy were swept away, and on the ruins of which those tyrannous maxims of the feudal and military system were firmly established. A reasonable objection to this repeal can scarcely be started; and the writer of this essay well remembers it as the decided opinion of that illustrious peer, the late Marquis of Rockingham, the situation of whose principal mansion, in the vicinity of populous towns, rendered all attention to the preservation of the game from poachers almost a joke, on the principles of the game laws, which, in addition to its obvious equity, might probably create a wish in him for the restoration of the more just and rational Saxon law."

Well nigh another century has since passed; and the game laws are in an unsatisfactory state still!

## CHAPTER V.

### STATE OF CROWN FORESTS IN THE EIGHTEENTH CENTURY.

TOWARDS the close of the century, increased attention was given to the importance of the forests as lands yielding timber urgently required for the maintenance of the navy. It was not, then, for the first time in the history of the forests that the importance of the forests in producing wood had been realised; but the demand for timber was now becoming so much more urgent, that a new development, if not a new departure, was given to the forest economy of the country.

Commissioners, were appointed to enquire into the state and condition of the woods and forests and land revenues of the Crown, with power to sell or alienate forests held in fee, and other unimprovable rents.

Their first report, dated 25th January 1787, stated difficulties which had been experienced in the enquiry, which were attributed by them to the novelty of the undertaking in connection with the woods and forests, and they intimated that some delay must take place in their preparation of a report on the state and condition of these.

In their second report, dated 11th December 1787, while reporting on the land revenues of the Crown, they stated that it had been their expectation that they would have been able to report at the same time the result of their enquiries relative to the management and the condition of the woods and forests; but they had discovered such abuses in connection with the management of these that it was impossible to report fully in regard to them then. And in subsequent reports, severally devoted in

general to what had been learned in regard to one forest, the information obtained by them was communicated.

In their third report, dated 3d June 1788, they reported at considerable length the abuses which had come to light, what had been done, and what was still required. They then reported in regard to the Forest of Dean—first, grants which had been made prior to the Act of Charles II.; and second, circumstances which had led to the enactment of that law, stating the regulations established by it, and giving some account of the forest while these regulations were observed. Under a second head they reported errors and abuses which had crept into practice, and the effect which these had upon the forests; explained the system of management pursued at the date of the report, and the condition to which the forest was then reduced. In a third they submitted for consideration the heads of arrangements which they suggested should be made with those who have rights of common and other claims upon the forest, and of such a system of management as they thought would be most likely to protect the forest from similar evils in time coming, and make the forests valuable nurseries of timber for the navy. In an appendix were given several important documents—the replies given by the overseer of the Forest of Dean to the enquiry of the Commissioners, an abstract of accounts, &c.

The fourth report, dated 3d February 1789, states that the commissioners were prosecuting their enquiries in regard to other forests belonging to the Crown.

In the fifth report, dated 28th July 1789, a report similar to that previously given in regard to the Forest of Dean, is given in regard to the New Forest, with a statement of the measures suggested by them, to meet and rectify the abuses and evils which had crept in: and in an appendix are given various documents relating to matters embraced by the report.

In the sixth report, dated 8th February 1790, a similar report is made in regard to the Forests of Alicebolt and Woolmer, with a similar appendix.

In the seventh report, dated 13th December 1790, it is stated in the preamble that there are two distinct classes of Crown forests: one in which the principal share of the property belongs to the Crown, and which, from their extent and their proximity to the dockyard, it is an object of importance to the nation to keep and improve: another in which the greater part has been alienated in grants, and in which it would perhaps be upon the whole better to make grants, on satisfactory terms, of what remains. To the former class belong all the forests to which the previous reports refer. To the latter class belongs, amongst others, the Forest of Salcey; and in regard to this a report is made similar to the others, and a similar appendix is given.

The eighth report, dated 12th January 1791 and 6th February 1792, gives information in regard to the Forest of Whittlewood.

The ninth, dated 6th July 1792, information in regard to Rockingham.

The tenth, bearing the same date, 6th July 1792, is in regard to Wichwood. All of these are *mutatis mutandis*, similar to that given in regard to the Forest of Salcey.

The eleventh report, bearing the same date, 6th July 1792, takes a wide range, embracing the whole subject, treating in several parts:—

1. Of the state of the country in regard to the supply of timber in former times;

2. Of laws relative to timber as private property, and in Crown forests;

3. On the consumption of oak, particularly for naval purposes;

4. On the supply of timber and other advantages to be expected from the forests;

5. On various means of lessening waste in the consumption of naval timber, and providing substitutes in the event of a scarcity of oak; and to this a valuable appendix is added.

From this report of the Parliamentary Commissioners, issued 6th February 1792, it appears that the average annual consumption of oak timber in the construction and

repairs of His Majesty's ships in the year 1788, was above 50,000 loads; and that the woods or private estates could not be relied on for any thing like a regular supply to the amount then required. They had been led to conclude that the quantity of large timber on these estates was being annually diminished, and was likely to be totally exhausted; and they recommended that 100,000 acres should be planted in time to arrest the evil.

In the twelfth report, dated 25th February 1792, are given (1) an account of the *régime* of the Crown forests from the time of William the Conqueror to the passing of the 1st of Queen Anne, by which the Crown was restrained from making further grants; (2) an account of subsequent mismanagement and the results; (3) a statement of the necessity of some change being made, with suggestions of some things which might be done.

In the thirteenth report, dated 31st May 1792, is given information obtained in regard to the Forest of Bere, with an appendix.

The fourteenth report, dated 28th March 1793, supplies information in regard to the Forest of Sherwood.

The fifteenth report, bearing the same date, does the same in regard to the Forest of Waltham.

The sixteenth report, under the same date, treats of improvable rents.

The seventeenth, also bearing the same date, 28th March 1793, gives a concluding report of the changes they deemed necessary, with a defence and justification of the counsel they had given relative to the establishment of a Forest Board.

# PART IV.

## FORESTAL LITERATURE.

## CHAPTER I.

### FORESTAL AND ARBORICULTURAL LITERATURE PREVIOUS TO THE SIXTEENTH CENTURY,

THE literature of England on the subjects of forests and plantations has been published almost entirely within the last three centuries, and a like statement may be made to cover the whole of such literature in the English language. By the more restricted phraseology of the literature of England on the subject I wish to specify what has been published in England alone, to the exclusion of works which may have been published in Scotland or elsewhere.

Reference has been made in preceding chapters to several of these, both of the earlier and the later periods of that era. Amongst these are Manwood's *Forest Laws* and Sir Henry Spelman's *List of English Forests.*

The first of these was published, as has been stated, in 1598. It was entitled "A Treatise of the Laws of the Forest, and of the Purlieu, wherein is declared not only these laws (then 1598–1599) in force; but also the original and beginning of Forests; what a Forest is in its own proper nature, and wherein the same doth differ from a Chase or Warren; with all such things as are incidental or belonging thereto." It is an interesting work, often quoted as an authority on the subjects referred to. A second edition appeared in 1615, a third in 1665, a fourth in 1718,

and a fifth in 1744—the two last-mentioned differing only in the date of the title-page. In successive chapters are discussed the definition of a forest; how a forest may be made; and who may make and who may hold a forest. In subsequent chapters Manwood discusses what are beasts of game, what is venison, and what is vert; the bounds of forests; the woods or coverts in these; waste, assart, pier-reste, agistment, pannage, and fence moneths, &c., Manwood published, beside the volume cited, a work entitled *Project for Improving the Revenue by Enclosing Wastes*. It must have been published about the year 1600. I have made several endeavours to get hold of a copy for perusal, but I have not succeeded.

Sir Henry Spelman, Kt. of Congham, in Norfolk, whose *List of English Forests* has been mentioned, was born in 1562, and studied law; and being in 1593 admitted a member of the Society of Antiquaries, his interest in archæology was quickened, and numerous treatises on subjects connected therewith were written by him and published, some during his lifetime, and others after his death. He died in 1641 at the house of his son-in-law Sir Ralph Whitfield, in Barbican. From this place his corpse was carried with great solemnity, by order of King Charles, to Westminster Abbey, where it was buried in the south aisle near the door of St Nicolas' Chapel, at the foot of the pillar opposite to the monument of Mr Camden, the most indefatigable antiquary and historian of his time, of whom he had been an old friend. A list of forests given by him has been cited above (ante p. 134.)

In Hearn's "Collection of Curious Discourses" I have found some interesting papers bearing on the subject of forests. The history of this work, which is valued by antiquarians, is this: "On the revival of literature during the reign of Elizabeth, a set of gentlemen of great abilities, many of them students in the Inns of Court, applied themselves to the study of the antiquities and history of

this kingdom, a taste at that time very prevalent, wisely foreseeing that without a perfect knowledge of those requisites, a thorough understanding of the laws of their native country could not be attained. For the better carrying on of this their laudable purpose, they, about the fourteenth year of the reign of Queen Elizabeth, formed themselves into a college or society, under the protection of that great patron of letters, Matthew Parker, Archbishop of Canterbury, and laid down the necessary rules for their conferences and conduct. Their method of procedure appears to have been this: at every meeting, two of the body being appointed propositors and moderators, gave out one or more questions as they thought proper, upon which each member was expected at the subsequent meeting either to deliver in a dissertation in writing, or to speak his opinions; and in order thereunto a copy of each question was sent to such members as happened to be absent. The opinions spoken were carefully taken down in writing by the secretary, and together with the dissertations delivered, were carefully deposited in their archives. The society daily increased by an accession of new and learned members, several of whom were persons of high rank and distinguished abilities. They entertained some thoughts of erecting a library, and obtaining for themselves a charter of incorporation under the style of *The Academy for the Study of Antiquity and History, founded by Queen Elizabeth.* A petition for that purpose, together with reasons for such an establishment, were actually delivered to the Queen; but this project, for what reasons we are not told, unhappily miscarried. The society, however, continued in a flourishing condition until the year 1604, when, many of their chief supporters dying, particularly their second great patron Archbishop Whitgift, and the jealousy of King James I. suspecting their loyalty and attachment to his government, their meetings were discontinued.

"About fourteen years after, some of the old members, together with some of the most eminent lawyers of that

time, renewed the assembly of the society; and they, having formed the same rules for their governance, and resolved not to meddle with matters either of State or religion, proposed two questions to be discussed at their next meeting. But before the period fixed for that purpose they received notice that his then Majesty took a dislike to the society, he not being informed that they had resolved to decline all matters of State, whereupon their meeting was stopped, and the society was dissolved.

"On this event their papers became dispersed; but fortunately a considerable part of their notes and observations soon after falling into Mr Camden's hands, were by him deposited in the Cotton Library. Transcripts of some few of these dissertations were taken by the learned Dr Thomas Smith, in order for publication; but he dying, they came into the hands of Mr Thomas Hearne, the celebrated antiquary, who, in the year 1720, printed them at Oxford in one volume octavo, under the title of *A Collection of Curious Discourses written by eminent Antiquaries upon several Heads in our English Antiquities.*"

The sale was immediate and complete. A second edition was resolved on, but he died before it could be printed; and in 1775 the papers collected by him were published, together with all the others which had been obtained, including such as had been printed, many of the original papers having been preserved in the Cotton and Harlein Libraries.

Amongst these was a treatise entitled *Antiquity of Forests*, by Arthur Agarde, which appears to have been previously published in 1771. The author was a learned and industrious antiquary, who was born in Derbyshire in 1540, and who died in 1615, and was buried near the door of the Chapter-House, in the cloisters of Westminster Abbey. He was educated for the practice of the law, but was appointed deputy-chamberlain of the Exchequer, which office he held forty-five years. He was author of several of the papers in this collection, and of several valuable treatises published in his lifetime.

The following is a copy of Mr Agard's paper "On Forests," treating of (1), Their etymology, or definition of name; (2), Their antiquity; (3), The laws thereunto belonging.

"In the XXVIII. chapter of the Black Book, which was written in the 23rd year of the reign of King Henry II., as appeareth by the same book, a forest is defined in Latin thus: *Foresta est tuta ferarum mansio scilicet silvestrum, non quibuslibet in locis, sed certis, et ad hoc idoneis; unde foresta dicitur mutata E in O, quasi ferarum statio.* As the word *statio* is by Isedorus in his etymologies defined a place of stay of ships for a time; even so in like manner the king's deer, being out of his forest and hunted, return to their home again for rest, answering to the name of Forest [for rest?]; for they being returned, no man ought to pursue them further.

"As for the antiquity of forests in England, I read that they were long before the Conquest, for Saint Edward, returning from hunting in the Forest of Clarendon, beside Sarisbury, and coming to visit his mother-in-law, was, by her order, slain while he was drinking with her, to the end that her son Ethelred might enjoy the kingdom; we also find that King Edward the Confessor had his forest in Essex, as appeareth by his charter beginning thus: *Ic Edward, König, have given of my Forests the keeping, &c.*

"That he had likewise a forest at Windsor appeareth by Doomsday, where it is said that he changeth with the Abbot of Westminster, and giveth him the manor of Baltrichsey, now called Battersey, in Surrey, for the Wyndsores, *where his forest* was.

"But after the Conqueror entered, it appeareth by sundry chronicles that he converted divers towns in Hampshire to be forest, and made thereof New Forest, and constituted severe laws to be kept concerning the same.

"By these laws of the forest it seemeth that the kings of this realm after the Conquest, and before King John's time, had this prerogative to make or put any man's manors or woods to be his forest; for among the records of the forest it is presented that King Henry I., by the

name of Henericus Senex, passing through Leicestershire towards Scotland, saw iij. staggs in that place where the Forest of Rutland is, now called Lyefield, and finding the place fit to make a forest, he committed the keeping thereof to one of his servants till his return, when he put over the keeping thereof to one Husculfus; this rather appeareth to be so, because that King Stephen coming to be crowned after the death of the said King Henry, and the people finding themselves aggrieved with the multitude of forests, and the rigour of the forest laws, they made him to grant redress in that and other things; whereupon he swore to perform three things, among which this was one: *quod nullius clereci seu laici silvas in manu sua retinerit sicut Henericus rex fecerat;* but mine author saith *nil eorum tenuit.* For the laws of the forests were such as pleased the king to inflict upon the offenders for verte or venery, and not according to the laws of the land; *non justum absolute,* but *justum secundum legem Forestae.* So that I conclude that forests were here in England before the Conquest, but that they never were in so great estimation, nor governed with so precise laws as they were in the times of the Conqueror and his sons, who were given (as the Normans for the most part were) to take great delight in hunting."

On 3d November 1591, there was read at a meeting of the Academy, the following note in regard to the New Forest, but by whom it was lodged is not stated:—

"William the Conqueror pulled down villages and churches, for the space of 30 miles, to make thereof a forest betwixt Salisbury and the sea southward, which unto this day is called the New Forest; also, he seized the most part of the forests of England with his own hands, and made a law against those that should kill any of the deer, which was to have their eyes put out: in which New Forest William Rufus was slain."

There may be nothing learned from such notices which may not have been learned from other sources of informa-

tion; and occurring without name of writer prefixed or appended they may possess no authority; but I find it interesting to learn how such facts were looked at by men of antiquarian taste three hundred years ago.

In the *Collection of Curious Discourses* is another paper on the New Forest by Mr Richard Broughton, whose identity it is difficult to determine. By Mr Hearne, the author of the collection, he was understood to be a distinguished ecclesiastical historian, described on his gravestone in the church of Great Stukely, in Huntingdonshire, as *antiquariorum sui saeculi exquisitissimus*, and known amongst archæological students of ecclesiastical history as the author of the *Ecclesiastical History of Great Britain from the Nativity of our Saviour unto the Conversion of the Saxons*, printed at Douay in 1633, folio; and of the *Monasticon Britannicum*, printed at London in 1650, 8vo; and of some other tracts. But by Mr Tate, who was for many years secretary of the society, it is stated that the Richard Broughton who was a member of the society was not that writer, who was a clergyman, but was a student of the Inner Temple, London, and was a Justice of North Wales in the time of James I.

The following is a transcript of the paper referred to:—

"The great charter of forests granted by King Henry III. unto the commonality, maketh mention of forests to be made in England by King John, Richard I., and Henry II.; and giveth authority to view the same, and to disafforest so much as was made by them forest, and was not their own demesne; but long before this time was the New Forest, made by William the Conqueror, as appeareth by these words, which are in an old English chronicle that I have:—William Rous, that was William Bastard's son, who made the New Forest, and cast down and destroyed 26 towns and 80 houses of religion, all for to make his forest longer and broader, became wondrous glad and proud of his wood and of his forest, and of the wild beasts that were therein; but so it

befel, that one of the knights, that hight Walter Tyrrel, would have shot at an hart, but his arrow glanced upon a branch, and through insaveture smote the king to the heart, and so he fell down dead."

The paper goes on to say:—"Mr Camden makes mention of a forest in Essex, granted by charter of Saint Edward:—

> 'Ich Edward, King,
> Haue geven of my Forest the Keeping,
> Of the hundred of Chetmer and Dancing,
> To Randolph Pepking, and to his kinting,
> With harte and hinde, do and bucke,' &c.

And Mr Hoker, in his chronicle, fol. 207, hath certain laws of the forest made by Canute."

The charter granted by King Edward, cited by Broughton, is the same as that cited by Agarde in the paper previously quoted.

In the same collection is a paper by James Lee, which I have had occasion to quote oftener than once in regard to old forest laws. I have failed to identify him, unless he be Sir James Ley, afterwards Lord Ley of Ley, and formally created by Charles I. Earl of Marlborough, by whom a great many papers were contributed to the Society. He was successively Chief-Justice of the King's Bench in Ireland, Chief-Justice of the King's Bench in England, and Lord-President of the Council. He died on the 14th of March 1628, and was buried in the parish church of Westbury, in Wiltshire, under a magnificent tomb; and was a man of great research.

In this paper it is stated, "The word *forest* is derived from *foris stare*, which doth signify to stand or be abroad; and *forestarius* is he that hath the charge of all things that are abroad, and neither domestical nor demean; wherefor *foresta* in old times did extend unto woods, wastes, and waters, and did contain not only *vert* and venison, but also minerals, and maritimal revenues. For proof whereof the words of Johannes Tilius (lib. i.) are thus: *Guber-*

*natores et custodes Flandriae ante Baldwinum, qui a brachio ferreo dictus est, erant officiales arbitrio Regum Gallorum mutalbilis, &c., tum autem dicebantur forestarii, id est Saltuarii, non quod ipsorum munus, agrum tantum spectaret, qui tum confertus erat sylva carbonaria, sed etiam ad maris custodiam pertinebat; nam vocabulum illud* forest, *prisco sermone inferioris Germaneae aeque aequas ac sylvas spectabat.* And to this effect the same author doth cite precedents of charters granted by the kings of France. So that it appeareth by this and divers other authorities that the Governor of Flanders, under the name and title of the Forester of Flanders, had the charge both by land and sea, and of the general revenues of the same country. Neither is the estate of forests in England unlike unto that in Flanders, insomuch as the charge and articles which are to be enquired of in the court, called The seat of the justices itinerants of the forest, do not only tend to the preservation of the game, but also extend to see a just survey, and to call a full account of diverse kinds of profits issuing and happening; as the forms of assarts, purprestures, and improvements; the wood and timber called Greenhawgh, herbage for cattle, paynaige for swine, mines of metals and coals, quarries of stones, and wrecks upon the sea coasts."

In accordance with what is thus stated, the famous French Forest Ordinance of 1669 is entituled *Ordinnance de Louis XIV. Roi de France et de Navarre sur le fait des Eaux et Forests.* The collection of old and new forest ordinances, edicts, orders, and decrees, published in 1769, has the title *Dictionnaire Raisonne des Eaux et Forêts;* and the designation of the compiler, M. Chailland, is *Ancien Procureur du Roi en la Maîtrise des Eaux et Forêts de Rennes*; while the title of the French Journal of Forestry now published is the *Revue des Eaux et Forêts.*

In accordance also with what is stated, we have met with as important references to the mines and mining operations in the Forest of Dean, as to the trees and the game. And another statement throws light upon the Forest Court of Justice, or Court of Justice for the trial and decision of questions raised in regard to forest misde-

meanours and forest rights, being the Court of Eyre. The court is so named from a corruption of an old French term applied to it as a circuit court, described here as "The seat of the justices itinerants of the forest."

The author of the paper goes on to say:—"But when forests were first used here in England, for my part I find no certain time of the beginning thereof. Yet I think the name of 'forest' was known in England, though not in the same sense as now it is taken; and although that ever since the Conquest (as the readers upon the statutes *de foresta* do hold) it hath been lawful for the king to make any man's land (whom it pleased him) to be forest, yet there are certain rules and circumstances appointed for the doing thereof."

He states that a forest is constituted by what is called a writ of perambulation being issued by the sovereign, "directed unto certain discreet men, commanding them to call before them twenty-four knights and principal freeholders, and to cause them, in the presence of the officers of the forest, to walk or perambulate as much ground as they shall think to be fit and convenient for the breeding, feeding, and securing of the king's deer; and to put the same in writing, and to certify the same under the seals of the same commissioners, and to lodge the same in the chancery. After the full execution of which writ of proclamation, it is to be sent unto that shire to the sheriff thereof, commanding him to proclaim the same to be a forest, although it be the land of any subject or of the king."

In accordance with this is the account given by Manwood of How a forest may be made. Mr Lee proceeds:—"And as there are prescribed circumstances to the making of a forest, so there are set down diverse laws and ordinances by the statutes of *Charta de Foresta* and of *Articuli de Foresta*, and other ordinances for the preservation thereof, which, in truth, may be more rightly accounted qualifications of the rigorous laws of William the Conqueror, *qui pro feris homines, mutilavit, exheredavit, incarceravit,*

*trucidavit, et si quis cervum vel aprum caperet, oculis privabatur* [Matt. West. p. 9.] Moreover, notwithstanding King Henry III., by the great charter of forests, chap. 3, had granted that all woods which were made forest by King Richard his uncle, or by King John his father, until his coronation, should be forthwith disafforested unless it were the king's demean wood; yet the same charter took no great effect, but the officers of the forest not only continually grieved the subjects by claiming liberty of forest in their lands, but also King Edward I., in *anno* 7 of his reign, caused several perambulations to be made through all England, by which he made forests, of much, or more, of his subjects' lands, than his own domains amounted unto; but the subjects, finding themselves greatly oppressed thereby, did make earnest suit to the king for redress; who first by divers acts confirmed the great charter, and afterwards, in *anno* 28, caused a new perambulation to be made by commissioners through all England, by which the greatest part of the subjects' lands taken in before were then clearly left out and freed; and afterwards, in consideration of a fifteenth granted unto him by the subjects, the same king, in *anno* 29, confirmed the said perambulation by Act of Parliament; which last perambulation, and none else, do stand good at this present, as it was ruled in a case before the judges in the King's Bench in Hillary term, *anno* 33, *Eliz. R.*, upon the traverse of an indictment between the servants of Edward, Earle of Hertford and the Queen's Majesty, in behalf of Henry, Earle of Pembroke, concerning the bounds of the Forest of Groveley, in the county of Wilts; as concerning such grounds as being taken in by the first perambulation were afterwards left out by the last, the same being at this day called *Purle*, not of *pur luy, id est*, for himself, not of *pur la ley, id est*, for the law as (men commonly think), nor of *pur le purrail, id est*, for the poor commoners (as the readers do suppose), but of the word *pur aller* or *per aller*, which is the French word to walk or perambulate, in respect they were first perambulated and

walked, and so retain the name of *terras pur aller*, or perambulated and walked ground, and yet no forest."

Sir Henry Spelman was a member of this Academy, and prepared a paper entitled "Of the Antiquity and Etymology of Terms, and Times for the Administration of Justice in England," which was to have been submitted to the meeting for which arrangements were made, but which was prohibited by King James I. from an apprehension that the members intended to intermeddle with matters of State. Sir Henry Spelman being thus disappointed of reading his discourse to the society, caused it to be printed, and it was afterwards reprinted in the *Collection of Curious Discourses* with the papers cited. Of other works of his mention has already been made.

In 1612 was published "The Commons' Complaint," by Arthur Standlish, gentleman, wherein are stated two special grievances. The first is the general destruction and waste of woods in the kingdom, with a remedie for the same; also, how to plant wood according to the nature of everie soile, without losse of ground, and how thereby many more and better cattell may be yearely bred, with the charge and profit that yearely may arise thereby. The second grievance is the extreme dearth of victuals. Four remedies are proposed. The first is a general planting of fruit trees, in the discussion of which work information is supplied in regard to the expense and profit of such an enterprise with information in regard to the natural history of the different kinds of trees suggested by the author for culture.

After "general observations on the great profit that may be made by judicious plantations of timber trees," and on "the necessity of shelter for trees, and the proper method of planting in an exposed situation," with "general observations on the different circumstances that ought to be attended to in making a plantation of trees in different situations," detailed information is given in regard to the

culture of different varieties of fir, of the larch, the pine, the sugar-maple, and the oak, with details of appropriate operations for procuring or manufacturing rosin, turpentine, potash, and maple sugar, and like notices in regard to the bark of the oak and other trees which can be used in the arts.

In 1664 appeared a well-known work entitled "Sylva; or a Discourse on Forest Trees, and the Propagation of Timber in His Majestie's Dominion," by John Evelyn. This work, to which reference has already been made, has secured for its author a fame likely to endure for ages, as it is still great, if not undiminished, after the lapse of centuries: every writer who has occasion to advert to the subject has a word of admiration, or commendation, or liking for John Evelyn, whose *Sylva* may be classed with Isaac Walton's "Complete Angler," or with Daniel Defoe's "Robinson Crusoe," and other older works which have awakened in susceptible minds an enthusiasm bordering upon passion for the pursuits of which they treat.

Evelyn was a Fellow of the Royal Society, and eminent in his day as a philosopher and patriot, skilled more particularly in natural history and the fine arts; and this has given to his famous work much of its charm. Published first at the time mentioned, it has passed through several editions.

He quaintly remarks that "men seldom plant trees till they begin to be wise, *i.e.*, till they grow old and find by experience the necessity of it." And, quoting a saying of Socrates to the effect that it is easier to make than to find a good husbandman, he says:—"I have often found it so in gardeners; and so I believe it will hold good in most of our country employments. Country people universally know that all trees consist of roots, stems, boughs, leaves, &c., but can give no account of the species, virtue, or further culture, besides to make a pit or hole, casting and treading in the earth," &c.

He writes strongly in favour of planting seeds in the

place where it is desired that the tree should grow, instead of transplanting trees from the forest to insert in the place. "I do affirm upon experience," says he, "that an acorn sown by the hand, in nurseries, or ground in which it is free from encumbrances encountered in the forest, shall, in two or three years, outstrip a plant of twice that age which has been self-sown in the woods, or removed, unless it fortune by some favourable accident to have been scattered into more natural, penetrable, and better qualified place. But this disproportion is infinitely more remarkable in the pine and the walnut tree, where the nut set in the ground does easily overtake a tree of ten years' growth, which was planted at the same instant."

He alleges that transplanting greatly improves fruit-trees, but that "unless they are taken up the first year, it is a considerable impediment to the growth of forest trees."

I am giving the views published by Evelyn irrespective of what my own views on points referred to may be; and doing so, I abstain from modifying his statements or attempting to make them more lucid by substituting some modern phrase.

After a discussion of earth, soil, seeds, air, and water, in their connection with arboriculture, and of the expediency, or rather inexpediency, of transplanting trees from the forest, he gives a great deal of information in regard to the different trees which then were, and still are, generally planted in England; and he treats at large of diseases to which some or all of them are liable—in doing which he advances some things not altogether consistent with modern ideas of the physiology of plants. He then discusses the subject of coppice-woods, of the pruning and the felling of trees, the seasoning of timber, and the manufacture of charcoal. And he gives, in a series of aphorisms, a summary of the counsels and instructions enumerated.

The work is followed up with encouragements to plant Crown lands with trees, for the doing of which he submits appropriate plans; and concludes with a prose poem on the sacredness of groves in the olden times.

By request, Evelyn, on April 29th, 1675, delivered before the Royal Society, a lecture, or, as it is designated, a philosophical discourse of earth, relating to the culture and improvement of it for vegetation and the propagation of plants, &c. This also is published with the *Silva*, and in the same volume is given a treatise on cyder, and a treatise on sallads, for which he considered most suitable many plants which are not now generally so used.

*Silva Terra Pomona* and *Acetaria* complete the volume.

To many editions of Evelyn's *Silva* there is appended a treatise on the making of cyder, by Moses Cook, who published also, in 1676, a work entitled "The manner of raising, opening, and improving forest and fruit trees."

In this he exposes the folly of some ridiculous vulgar errors prevalent at that time in connection with the culture of plants. And after supplying information in regard to different methods of propagating trees — by layers, cuttings, and seeds, with some sensible remarks on the propriety of laying the sown seed in a position similar to that which it assumes when it falls from the tree—he proceeds, like Evelyn, to give detailed information in regard to different trees then cultivated.

There follow strictures on planting, fencing, and pruning trees; on the diseases of trees; the felling and the measurement of trees; and the laying-out of grounds.

In 1652 was published Common Good, or the improvement of commons, forests, and chases by enclosure, by Silas Taylor, a man somewhat distinguished for his antiquarian research. Of this treatise I have met with notices; but I have failed in different efforts made by me to get a sight of it; nor have I seen anything of works on arboriculture or forestry which may have been published in the course of the subsequent hundred years, with the exception of Care's *English Liberties*, which contains comments on the *Charta de Foresta*, and statistics of importance, and was published in 1719. Other works there were; but from the

circumstance that no copies of them have been found by me in any of the public libraries which I have searched, and these comprise most of the important public libraries in Scotland, I conclude that they did not exercise any very important influence on the arboriculture of the country. But in the latter half of the eighteenth century there appeared several volumes treating of measures calculated to secure an improved culture of trees, and some of them have a special reference to the Crown forests.

The Rev. William Watkins, a curate in Brecknockshire, published in 1753 a sensible pamphlet, entitled "A Treatise on Forest Trees," in which he shows that estates might be improved to a great extent by attention being given to the culture of trees.*

I have met with reference to a treatise on the management of forests and timber, entitled *Anleitüng zum Forst-Wesen*, by John Andrew Crammer, said to have been published in 1766. But I have failed to get sight of the work, either in the English or the German language.

In 1791, well-nigh forty years later, there was published by the Rev. William Gilpin, Prebendary of Salisbury, a work entitled "Remarks on the Forest Scenery and other Woodland Views," relative chiefly to picturesque beauty, illustrated by the scenes of the New Forest in Hampshire, in which, along with interesting notices of the different kinds of trees there cultivated, and of remarkable trees of one and another of the kinds described, and also of the game and game laws of the forest, there are given descriptions and representations of the sprays and ramification of

* In Scotland, about the same time, attention was given to the subject, and the results were published, both by land-holders and nurserymen, and the treatises of the Earl of Haddington and of William Boucher were welcomed in England, I do not doubt; but the publication of these throw only an indirect light on the interest taken in the subject in the south. Boucher called special attention to the neglect of attention to æsthetic effects in the laying-out of plantations. Lord Haddington's work and observations are still cited with commendation by writers on Forest Science on the Continent.

different genera, including the oak, beech, elm, &c., the specific character of the appearance of the trees, and the effect produced under various forms and combinations, from the small clump to the extensive forest; and the effect produced by the growth upon them of such epiphytes as moss, lichens, and ivy, &c.

If Evelyn's *Silva* may be spoken of in the terms I have cited, not less entitled to commendation for its interesting style of narration, and facts and phenomena selected for description, is this work by Gilpin, written *con amore* with manifest spontaniety and personal enjoyment in what he describes, and also in describing it for the delectation of others. Lengthened quotations from it have been given in preceding chapters.

In Dallas's *Sherriff: Officium Vice Comitum*, or the Office and Authority of Sheriffs, is reproduced Reading on *Charta de Foresta* by Trecherra. But I have failed to discover at what date it was published.

Other treatises on Forestry appeared at subsequent dates before the close of the century, but most of them known to me bear more directly on the illustration of the treatment of forests and woodlands in recent times, than they do on the illustration of the treatment to which they had been previously subjected.

It was not in England alone that a change in the treatment of forests was introduced in the beginning of the nineteenth century. In Saxony the advance of forest science led to a new development of forest economy, which, so soon as quiet was secured in France, was adopted there, and has since then been adopted in almost every country on the Continent of Europe, securing simultaneously an amelioration of the condition of the forest woodlands, a natural reproduction of these, and a permanent sustained production of wood, whether as firewood or timber. To the student of the forestry of the past, I would recommend

the study of this as it developed itself in France; and to the student of modern scientific forestry, which is altogether different from what is seen in England, I would recommend the study of its development in Saxony, and its application in France. Having to do in this volume only with the forestry of the past—I may say, the antiquated forestry of the past, before the nineteenth century "rung out the old, and rung in the new" method of forest management based on the advanced forest science of the day—I would direct the attention of students of this more especially to the early forest legislation of France, to the famous forest ordinance of 1669, to the mediæval forest litigation in France, to the *Code Forestier*, and the *Ordinnance reglementaire* of later times. This I do on the ground that these are of more easy access to many in England than are the corresponding indications of the progress of forestry in other lands; and on the ground that they supply information more succinct, satisfactory, and continuous than any treatise known to me in any other language.

THE END.

To the Members of the Scottish Arboricultural Society — of the English Arboricultural Society—of the American Forestry Association — and of the American Forestry Congress.

Gentlemen,

Presuming on the interest in the promotion of Forest Science which has been manifested by you, I desire to submit to you the following statement, and to invite your co-operation in the enterprise to which it relates.

In the summer of 1875—with results which I am about to state—I devoted to the publication of the first of a series of Treatises on subjects pertaining to Forest Science, a sum of money which had been presented to me on the conclusion of a brief ministry in Berwick-on-Tweed; and I have now set apart a sum of money which came to me last year in a somewhat similar way, to the publication of another series of volumes on Forest Economy, of which *The Forests of England and the Management of them in bye-gone times*, now published, is the first; and a second, to be entitled *The French Forest Ordinnance of 1699, with Notices of the Previous Treatment of Forests in France*, is now in the press.

In reporting to my friends in 1875 the disposal I had made of their gift, I referred to the fact that Benjamin Franklin tells that one mode of doing good which he followed, was to lend money to young men beginning business under the condition that it was not to be repaid to him, but to some young man in like circumstances, on a similar condition; "and thus," said he, "I have the satisfaction of

knowing that my money will go on doing good until, if it fall not into the hand of a rogue, it is used up by some one whose circumstances rendered this necessary;" and stated, "whatever amount may be realised by the sale of this volume will be employed without deduction in the publication of some similar work, the publication of which I may consider likely to be useful, but not likely to command a sale which would make it remunerative to a publisher to publish it. I shall be glad if I can thus to some extent perpetuate the good done by your gift; and I am prepared to go to press with a treatise on *Réboisement in France*, so soon after the publication of the volume on *Hydrology of South Africa*, as may be expedient."

The results have been the publication of the following volumes and pamphlets:—

I.—*Hydrology of South Africa; or, details of the former Hydrographic Condition of the Cape of Good Hope, and of causes of its present aridity, with suggestions of appropriate remedies for this aridity.*

In this the desiccation of South Africa, from pre-Adamic times to the present day, is traced by indications supplied by geological formations, by the physical geopraphy or general contour of the country, and by arborescent productions in the interior, with results confirmatory of the opinion that the appropriate remedies are irrigation, arboriculture, and an improved forest economy: or the erection of dams to prevent the escape of a portion of the rainfall to the sea—the abandonment or restriction of the burning of the herbage and bush in connection with pastoral and agricultural operations—the conservation and extension of existing forests—and the adoption of measures similar to the *réboisement* and *gazonnement* carried out in France, with a view to prevent the formation of torrents and the destruction of property occasioned by them. London: Henry S. King & Co. 1875. Price 10s.

II.—*Water Supply of South Africa, and facilities for the storage of it.*

In this volume are detailed meteorological observations on the humidity of the air and the rainfall, on clouds, and winds, and thunderstorms; sources from which is derived the supply of moisture which is at present available for agricultural operations in the colony of the Cape of Good Hope and regions beyond, embracing the atmosphere, the rainfall, rivers, fountains, subterranean streams and reservoirs, and the sea; and the supply of water and facilities for the storage of it in each of the divisions of the colony—in Basutoland, in the Orange River Free State, in Griqualand West, in the Transvaal Territory, in Zululand, at Natal, and in the Transkei Territory. Edinburgh: Oliver & Boyd. London: Simkpin, Marshall, & Co. 1877. Price 18s 6d.

III.—*Forests and Moisture; or, Effects of Forests on Humidity of Climate.*

In which are given details of phenomena of vegetation on which the meteorological effects of forests affecting the humidity of climate depend —of the effects of forests on the humidity of the atmosphere, on the humidity of the ground, on marshes, on the moisture of a wide expanse of country, on the local rainfall, and on rivers—and of the correspondence between the distribution of the rainfall and of forests—the measure of correspondence between the distribution of the rainfall and that of forests — the distribution of the rainfall dependent on geographical position, determined by the contour of a country—the distribution of forests affected by the distribution of the rainfall—and the local effects of forests on the distribution of the rainfall within the forest district. Edinburgh : Oliver & Boyd. London : Simkpin, Marshall, & Co. 1877. Price 10s.

IV.—*Pine Plantations on Sand-Wastes in France.*

In which are detailed the appearance presented by the Landes of the Gironde before and after culture, and the Landes of La Sologne; the legislation and literature of France in regard to the planting of the Landes with trees; the characteristics of the sand-wastes; the natural history, culture, and exploitation of the maritine pine and of the Scotch fir; and the diseases and injurious influences to which the maritine pine is subject.—Edinburgh : Oliver & Boyd. London : Simpkin, Marshall, & Co. 1878. Price 7s.

V.—*Réboisement in France; or, Records of the Re-planting of the Alps, the Cevennes, and the Pyrenees with Trees, Herbage, and Bush, with a view to arresting and preventing the destructive consequences of torrents.*

In which are given, a *résume* of Surrel's study of Alpine torrents, and of the literature of France relative to Alpime torrents, and remedial measures which have been proposed for adoption to prevent the disastrous consequences following from them,—translations of documents and enactments, showing what legislative and executive measures have been taken by the Government of France in connection with *réboisement* as a remedial application against destructive torrents,—and details in regard to the past, present, and prospective aspects of the work. London : C. Kegan Paul & Co. 1879. Price 12s.

The Schools of Forestry in Europe : a Plea for the Creation of a School of Forestry in Edinburgh. Edinburgh : Oliver & Boyd. 1877. Price 2s.

On Schools of Forestry. Reprinted from Transactions of the Scottish Arboricultural Society. Edinburgh : M'Farlane & Erskine. 1877.

The School of Forestry in the Polytechnic School of Carlsruhe. The School of Forestry in the Royal Wurtemburg Academy of Land and Forest Economy. The School of Forestry in the Escurial of Spain. The School of Forestry at Evois in Finland. Opinions of Continental Foresters and Professors of Forest Science on the location of a School of Forestry. A British School of Forestry : Review of opinions relative to its formation. Rural Primary Schools of Science, Agriculture, Forestry, and Rural Economy. Glances at the Forests of Northern Europe—I, Denmark ; II., Norway ; III., Sweden ; IV., Finland ; V., Northern Russia. Glances at the Forestry of France—I., Forest Reforms carried out under Colbert, a translation ; II., Forest Budget for 1880, a *resumé*. A British School of Forestry : Present position of the Question. All reprints from *The Journal of Forestry* and *Estate Management*. London : J. W. Rider & Son. 1877, 1878, 1879, 1880, and 1881.

The commencement of the publication of this second series originated in an unexpected offer from a National Association to contribute £10 towards the publication of the first of a series of like treatises which it was known I had prepared, and in regard to which the Council of the Association expressed the opinion that the successive publication of them would certainly contribute to further the ends the Society had in view.

To this offer I replied:—"I am prepared to add £30 to the £10 spoken of, or any larger amount, in like proportion to whatever sum may be contributed by the Society, and therewith to publish without delay at my own risk an edition of 500 copies of that portion of the treatise which refers to England ; thereafter, so soon as what may be realised by sales will suffice for the purpose, to do the same with what relates to Scotland ; and thereafter, so soon as what may be realised by sales of both will suffice for the purpose, publishing what relates to Ireland."

The design was to supply a treatise on Forest Management and Arboriculture in Great Britain and Ireland ; but this, it was found, could best be accomplished by the publication of a series of volumes, each of them complete in itself. In the first volume of the series, that now published, *The Forests of England and the Management of them in Bygone Times*, information is supplied in regard to several Crown Forests, Chases, Parks, Warrens, and Woods ; it is shown

that from the earliest times Forest Laws were Game Laws, and that forest economy was for ages subordinated to the chase; ancient terms and usages pertaining to forests are explained; progressive legislation leading to better conservation and exploitation of forest woodland is traced; and information is supplied in regard to earlier literature of English forestry.

In the second volume of the series, which is ready for publication, it will be shown how changes in the woods and forests of England resulted from the demand made for wood for the British Navy in the beginning of the present century; gross abuses of management then discovered will be detailed; administrative changes then and subsequently introduced will be noticed; details will be given of the recent history and present condition of English woods and forests, and of sylvicultural operations latterly carried on at the expense of Government and by private enterprise; the alleged meteorological effects of woods will be noticed; and some account will be given of the forestal literature of England of the present century.

The publication of this volume has been deferred, only because it would entail an expenditure exceeding the amount which had been appropriated to the undertaking.

In the volume entitled *The French Forest Ordinnance of 1669*, &c., which will be published shortly, is given a translation of this famous Ordinnance, which has exercised a deeper, more extended, and more prolonged influence on the Forest Economy of Europe than has any other work known to me; but so far as is known to me, it has never been published in its entirety in the English language. As introductory to it are given notices of the treatment of forests in France in prehistoric times; of the incursion of the Normans, and changes introduced by them; of the administration of the forests of France in the first half of the seventeenth century, and the abuses and devastation of forests which followed; of the method of exploitation then practised, *Jardinage;* of *La Methode, à tire et aire*, which was then introduced; of *La Methode*

*des Compartiments* now practised; and explanations of some of the old technical terms made use of in the Ordinnance. The proceeds from sales of this volume, if they suffice for the purpose, will be spent on the publication of one on the subsequent Forest Economy of France; and the subsequent proceeds of the sales of both, if sufficient, will be spent on the publication of one on Sylviculture and Forest Management in France at the present time.

In the conclusion of my letter accepting the offer made to me, I said:—"I may add that it is my purpose, if any such arrangement be carried out, to devote subsequent proceeds of sales to the publication of some similar works which I may consider likely to be useful, but not likely to command a sale which would make it remunerative to a publisher to publish on his own account."

The reference made was to treatises on the Forest Economy of different nations on the Continent of Europe. The number of probable readers for such works is very limited; and I speak advisedly when I say that no publisher in Britain or America would undertake the publication of such otherwise than at the risk of another, and that they are acting in accordance with strict propriety in declining the risk.

Some fifty years ago, Isaac Taylor, in his volume entitled *Saturday Evening*, remarked:—"The extension of knowledge, and the incalculable multiplication of readers, has effected, in an indirect manner, a revolution in literature as *complete* as that produced by the invention of printing, though less conspicuous. If a plain fact is to be spoken of in plain terms it is this, that books have at last thoroughly come under the laws that regulate the quantity, quality, fashion, form, and colour of silks, potteries, furniture, jewels, and other articles of artificial life. The exceptions to the rule are—when the production is of so rare or *peculiar* a kind, &c., or when the demand is so limited that the traffic escapes the spirit of trade. It is an illusion to suppose that any very extensive or perma-

nent exemptions from the laws of trade can have place in matters of trade."* It is in full knowledge of this having been said, and that it is in accordance with observed facts, that I have undertaken the risks of my enterprise, and I do not ask for any protection against the operation of the laws referred to. But, as I have intimated, I shall be glad to have in the prosecution of my scheme the co-operation of any who may share my views in regard to the expediency of extending our literature in forest science, though to do so may not be immediately pecuniarily remunerative.

The progress of successive publications is likely to be slow. Should any one, or any association, be willing to expedite the work by meeting the expense of putting on the market, on like conditions to those stated, any one or more of the treatises prepared, I shall value highly such co-operation, and duly acknowledge it: it is only in consequence of my being required to abstain from doing so that I do not state the name of the Society to whose grant in aid the first volume of the series owes its publication.

Prices, I may mention, are determined by the number of copies printed. If an edition of 500 copies cost in printing £100, or 4s each, an edition of 1000 copies would cost in printing not £200, but £120, or less than 2s 6d each copy; while an edition of only 250 would cost £90, or 7s 2½d per copy for paper and printing. The difference

* Taylor expresses himself much more strongly than is done in the words cited. He says:—"The simple circumstance that books have become one of the most considerable articles of commerce has reversed the direction of the influence of which the press is the medium. Our literature is commanded, or controlled, by the people; and only in a secondary sense commands them. The reader has grown into an importance that makes him lord of the writer. Authors furnish—how should they do otherwise?—that which readers ask for, or will receive." In regard to the articles of artificial life mentioned, he says:—"Who does not know that the purchaser of any such commodity must, whatever special circumstances may seem to disguise the fact, stand in the relation of master to the manufacturer, the artist, the workman? Mind struggles much against these mighty powers, and writhes under their tyranny; but its resistance is successful only in single instances, or for an hour. Our modern literature has one reason, and of this reason the buyer is the sovereign, and the vendor is the interpreter, and the writer is the slave."

in the retail price would be still greater, as there are several charges which are the same whether the edition be large or small; thus is it with the binding; thus it may be with advertising; but the cost of publication increases with the price of the book in a regular ratio. I confine myself to small editions; and it is a relief to me to give this explanation.

Such is the enterprise, and the circumstances, in which I invite your co-operation.

Communications have been made to me in regard to difficulties experienced in places remote from towns in procuring some of the volumes mentioned. I have made arrangements for any volume being sent by post pre-paid to any place in the world embraced by the British postal arrangements, on receipt by me of a postal order for the amount of the selling price of the book.

JOHN C. BROWN.

HADDINGTON, *1st March, 1883.*

RETURN FORESTRY LIBRARY
TO → 260 Mulford Hall 642-2936

| LOAN PERIOD 1 | 2 | 3 |
|---|---|---|
| 4 | 5 | 6 |

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

**DUE AS STAMPED BELOW**

MAR 1 6 1983
FEB 3 1983
SANTA BARBARA
INTERLIBRARY LOAN

UNIVERSITY OF CALIFORNIA, BERKELEY
FORM NO. DD 15, 9M 1/82 BERKELEY, CA 94720

Brown, J.C.
Works on forestry.
v.5

APR 27 1948

APR 28 194

696643

SD123
B75
v.5

UNIVERSITY OF CALIFORNIA LIBRARY